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The Bristol Meeting.

WE HEAR nothing but praise of the abundant hospitality of the Bristol Law Society, and of the excellence of the arrangements made for the comfort of their guests. The attendance was good—about 360 members as against about 300 at last year's meeting; but it must be said that the majority of the visitors on each afternoon preferred the attractions of Bristol, as seen in glorious weather, to the papers. The meeting was remarkable in two ways—first, for the unusually large attendance of members of the Council of the Law Society; and, secondly, for the absence of resolutions, which usually form a feature of these gatherings. Mr. JOHNSON made an excellent chairman.

The New Bankruptcy Rules.

WE PRINT elsewhere some draft rules which have been made under section 127 of the Bankruptcy Act, 1883, and are published pursuant to the Rules Publication Act, 1893. The first rule deals with the re-taxation of costs where the assets realize more or less than the certified amounts on which the original taxation has proceeded. The lower scale applies if the estate is under £300, and hitherto the case of the realized amount varying from the certified amount has been dealt with by the latter part of rule 112 and by rule 112A. These are now repealed and slightly different provision is made. Where there is a variation in the amount, the official receiver or trustee will amend his certificate, and the taxing officer will amend his allocatur in accordance with the amended certificate. Where the costs payable are thereby increased, the excess is to be paid by the trustee out of any available assets in his hands at or after the date of the amended allocatur, and, on the other hand, where the amount is reduced, the excess over the reduced amount will be repaid to the trustee. The new rules also provide for public search, on payment of the prescribed fee, of the bankruptcy books kept by High Court and county court registrars.

The Retirement of Mr. Justice Jelf.

THE RETIREMENT of Mr. Justice JELF has not come as a surprise, since for some time it has been known that he has been in failing health. The actual announcement, however, has been received with unaffected regret, for the retiring judge had endeared himself to all who practised before him by his courtesy, modesty, and conscientious desire to follow every point made in argument. It is now thirty years since Sir ARTHUR JELF took silk, and during the whole of that period he has enjoyed the reputation of a thoroughly sound and "safe" lawyer. It cannot truthfully be said that after his appointment to the bench, nine years ago, Sir ARTHUR greatly increased his reputation as a lawyer. The fact is that he belonged to the old school of common

lawyers, which is now all but extinct—men who learned their law in the pre-systematic days. He had an admirable acquaintance with such works as Smith's Leading Cases, White and Tudor, Broom's Legal Maxims, Bullen and Leake's Pleadings, and other time-honoured treatises, from which a thorough grasp, and even an erudite knowledge, of the main rules and maxims of law may be obtained. He was also well acquainted with real property law; indeed, he shares with Mr. Justice CHANNELL the distinction of being the only common law judge whom a somewhat hypercritical Chancery bar will admit to possess any understanding of that somewhat esoteric field of juristic scholarship. But the huge practice he enjoyed as a leader left him no time to assimilate the more systematic and abstract treatment of legal principles which is prevalent in a generation that has been brought up on such works as Anson's Contracts, Beven's Negligence, and other classical works of the modern school. The result is that his judgments, sound as they usually are, have a somewhat old-fashioned aspect and are not appreciated at quite their real value by busy practitioners accustomed to a different legal atmosphere.

The New Judge.

MR. MONTAGUE LUSH, K.C., who succeeds Mr. Justice JELF, is fifty-six years of age, and so he attains to the bench while old enough to possess a great fund of forensic experience, and yet young enough to have before him, in the natural course of events, many long years of vigorous physical and intellectual life. The appointment within one week of both Mr. JOHN ELDON BANKES and Mr. MONTAGUE LUSH removes from the common law bar the two men who, now that Sir RUFUS ISAACS is a law officer, enjoyed the leading general practice in the King's Bench Division. Constant rivals, both as juniors and as silks, hardly a week has passed in which they have not been pitted against one another. Curiously enough, the contrast was very striking, both in physical characteristics, intellectual idiosyncrasies, and style of advocacy. The solid physique, weighty and steady legal equipment, downright style of ELDON BANKES was countered by the slight, supple figure, soft, plausible voice, and exceedingly agile method of argumentation which drew instant attention to Mr. MONTAGUE LUSH. The new judge was quite a unique figure at the bar; there was no one else who at all resembled him in the tone and colour, so to speak, of his style in court. The indefinite quality which we describe as "personality" he possesses in a most marked degree. As an advocate he is most persuasive; there is just the sort of plaintive ring about his voice, and alluring suaveness in his manner, which creates a certain sympathy in the mind of the tribunal for the wrongs or hard case of the client he is representing. As a lawyer, he has generally been regarded as possessed of a knowledge exceedingly varied but perhaps more versatile than profound. He can contrive at a moment's notice a multiplicity of ingenious arguments, all having an air of sanity and scholarship, upon any possible point. His all-round ability and his remarkably varied experience cannot be questioned by anyone, and his addition to the number of common law judges certainly helps to strengthen that division of the High Court. His geniality and courtesy have always prevented him from having any enemies while at the bar, and we venture to predict that he will not make any in his new sphere.

Deductions of Income Tax Premiums from Assessment to Income Tax.

CURIOUS QUESTIONS arise in the war which is always raging between the income tax officials at Somerset House and the taxpayers of the United Kingdom. Many of these questions find their way to the Law Courts, but in some of them, involving points of law of more than ordinary interest, the ruling of the officials has been accepted without appeal. It is tolerably well known that the Income Tax Acts provide that any person who has insured his life shall be entitled to deduct the amount of the annual premiums paid by him for the insurance from the profits or gains in respect of which he is liable to be assessed under Schedules D and E of the Acts. Many persons in a season of prosperity would be glad to insure their lives so as to make provision for their widows and families. But they regard the liability to the annual payment of premiums with strong dislike and would welcome any scheme by which these payments could be accelerated. Policies have accordingly been issued, called single premium policies, under which the liability to the payment of the premiums is extinguished by the payment of a lump sum assessed by the insurers having regard to all the circumstances of the case. But the Commissioners of Inland Revenue have, we are informed, refused to allow the amount of this prepayment to be deducted from the profits or gains assessable under Schedule D, holding that it cannot be taken to be the amount of an "annual premium" paid by the person who has insured his life. The result of this decision is to deprive anyone who has arranged for a commutation of his liability of the benefit of an abatement of duty under the Acts. The argument is, of course, that the person making the prepayment has never been liable to the payment of an "annual sum." Whether this argument could be met by spreading the amount prepaid over two or three years remains to be decided.

The Disadvantages of Codification.

THE CASE against codification has rarely been more forcibly and clearly presented than in the paper on "Codification of English Law" read by Mr. SAMUEL GARRETT at the Bristol meeting. Codification—or, as it is more usually called, consolidation—of statute law is, as he points out, eminently desirable. It reduces "monstrous chaos into a single orderly and well-arranged Act." But codification of the unwritten law is open to the objection that it may crystallize it when it is still in process of development, and thus arrest further change. The idea of general codification emanated from BENTHAM, and Mr. GARRETT pertinently inquires at what date the law of married women's property could have been advantageously codified. If this had been done before BENTHAM'S time, the code would have stereotyped the common law rule under which all the married woman's personalty went to the husband, and the separate use and the restraint on anticipation would have been unknown. If it had been done in the course of the nineteenth century, the code would have been an obstacle to the passing of the Married Women's Property Acts; and Mr. GARRETT expresses what is doubtless the correct view, that the development of the law on the subject is still far from complete. Legislative change in the law is a slow, and not always a satisfactory, process, and it would be a mistake to sacrifice the advantages of judge-made law. An attempt was recently made to codify the law of trusts. Mr. GARRETT confesses that he was partly responsible for the approval of the Bill by the Council of the Law Society. But the comments of some of the judges of the Chancery Division seem to have consigned it "to the limbo from which it is most devoutly to be hoped that it will never emerge." The rules of equity are not perfect, and they are now but slightly amenable to judicial alteration, but, so long as there is no code, there is always the possibility of adapting them to varying circumstances, and this would be effectually stopped by codification. Even in such a matter as the Marine Insurance Act, 1906, Mr. GARRETT, who is specially qualified to judge, is by no means friendly. "I speak," he says, "from personal experience when I say that the Act, so far as it has any effect at all, is an obstruction and a nuisance, and that we should be better off without it." And he points out how it has reproduced a view of "constructive loss" which turns out to be incorrect, and how it prevents the adaptation of the rule as to floating policies on goods to new circumstances. Codification, like some other current proposals, is plausible, but its practical advantages are extremely doubtful.

Difficulties in the Finance Acts.

THERE MAY have been in certain quarters a tendency to exaggerate the difficulties caused by the Finance Act, 1910, but, on the other hand, there is on the official side an obvious tendency to ignore them, and in Mr. J. H. COOKE'S paper on "Some of the Recent Requirements of the Finance Act, 1910," read at the Bristol meeting, a striking instance of this was given. The possibility of an apparent increment in value being deceptive in consequence of a previous decrease was foreseen by the Legislature, and provision was made for it by sub-section 3 of section 2 of the Act. This enables a landowner to produce

evidence to the commissioners that the site value of land at the time of any transfer on sale of the fee simple or any interest in the land which took place within twenty years before the 30th of April, 1909, exceeded the original site value as ascertained under the Act, and the site value at the time of the sale is to be substituted for the purpose of increment value duty. Mr. COOKE points out that the Chancellor of the Exchequer, at the recent Treasury conference, assumed that in all cases the earlier value would be identical with the price paid on the sale, and if so, the application of the provision would, of course, be easy. To take Mr. LLOYD GEORGE'S example, if property bought within the twenty years for £2,000 has gone down on the 30th of April, 1909, to £1,000, the £2,000 is substituted for £1,000 as the original site value, and if there is a subsequent rise to £1,500 this shews no increment. But, as Mr. COOKE observes, the case where the exact vacant land has been sold will be exceptional. The previous sale will usually have been of the land with buildings upon it, or of the land with other land, and the amount of the purchase-money will not shew the site value at the time. This will depend upon guesses as to the cost of buildings, &c., and the valuation which is sufficiently uncertain when made as at the 30th of April, 1909, will have to be made under still more unfavourable circumstances. It is difficult enough, says Mr. COOKE, to fix site value some eighteen months ago, viz., on the 30th of April, 1909, but it is obviously much more difficult to fix the site value at a period of fifteen or twenty years ago. Mr. COOKE also pointed out difficulties arising under the Act in respect to valuation of minerals and claims to deductions in ascertaining original site value. The existence of these difficulties is not surprising considering the nature of the problem with which the Legislature had to deal in attempting taxation of land values, and there is no need either to exaggerate or ignore them. Experience will soon shew how far they are really formidable or not. Meanwhile, as several speakers in the discussion on Mr. COOKE'S paper intimated, the only practicable policy for lawyers as such is to assist their clients in complying with the Act with as little trouble and expense as possible.

Foreclosure Practice.

THE PROCEDURE in foreclosure is antiquated and dilatory, and it was subjected to severe criticism in the paper on "Suggestions for Amendments in Foreclosure Practice" read by Mr. JOHN INDERMAUR at the Bristol meeting. Equity, when it relieved against the forfeiture of the mortgagor's estate at law, and so called into being the equity of redemption, recognized that the right of the mortgagee to take the mortgaged property in satisfaction of the debt could not be delayed for ever, and it enabled him to put an end to the equity of redemption by foreclosure. But it hedged the right of foreclosure with careful restrictions for fear it might be abused. The account of the money due on the mortgage must be taken in court and the amount certified, and when this has been done the mortgagor has still six months in which he can try to find the money and redeem. Only when this period has passed, and the mortgagee or his representative has attended, without result, at the appointed time in the appointed room at the Royal Courts of Justice to receive the money, and the foreclosure order absolute has been made, are the proceedings at an end, and the mortgagor's estate in the property gone. Mr. INDERMAUR points out that this procedure arose when mortgage securities were ample, and when it was necessary in the interest of the mortgagor to prevent the oppressive use of the right of foreclosure. But at the present day the alternative remedy of sale exists, and in general this is used when the property is of sufficient value to justify it. It is when the security is insufficient that the question of foreclosure arises, and this, which is then the mortgagee's natural remedy, is frequently found to be too expensive and dilatory for adoption. Something has been done to simplify the procedure by the use of originating summonses in foreclosure, but though this is slightly less expensive than an action, there is no appreciable saving of time. Nine months may be taken as the minimum time in which foreclosure can be obtained. Mr. INDERMAUR suggests a radical change in the procedure, by which the taking of the account in court would be avoided, except where the mortgagor could shew some ground for it. This might be done by the issue of a writ for foreclosure specially indorsed with the amount claimed to be due, and by allowing, in the absence of any substantial defence, immediate judgment for foreclosure. Possibly this is too drastic, for a mortgagee can issue a writ for foreclosure at any time after the day fixed for payment has passed, and is not bound to wait for three months, as in the case of a sale. But Mr. INDERMAUR appears to make out a case for amending the present practice.

The Chinese Judges and the Attorney-General of Pekin.

A REPORT of a banquet in London to the Chinese judges and the Attorney-General of Pekin would, a very few years ago, have been considered more suitable to the columns of *Punch* than to those of a daily paper. But China has of late made nearer approaches to the institutions of civilized nations, and we accept its creation of the office of Attorney-General as a compliment to the different Anglo-Saxon communities. The history of this office in England is somewhat obscure, but it appears that at a very early period of English history the duty of the Attorney-General was to protect the interests of the Crown in all cases affecting it before the courts. He became subsequently the chief legal adviser of the various departments of government and its spokesman upon legal topics in the House of Commons. In the Crown colonies the Attorney-General, appointed by warrant under the sign-manual, has duties in the main similar to those of the same officer in England, and in the self-governed colonies he is appointed by the responsible ministry for the time being. Turning to the great republic of the United States, we find that, in accordance with English traditions, there is in each State an attorney-general or similar officer who appears for the people as in England the Attorney-General appears for the Crown, and there is also an Attorney-General of the United States whose duty it is to prosecute and conduct all suits in the Supreme Court in which the United States are concerned and give his advice upon questions of law when required by the President or when requested by the heads of any departments touching matters which concern their departments. Sir EDWARD CLARKE, who was present at the banquet to the Chinese officials, drew attention to some differences in the legal position of the Attorney-General of Pekin and the Attorney-General in this country. But the difference is not greater than that in some parts of the British dominions. The English law officers, unlike the Lord Advocate and the Irish law officers, are not Privy Councillors. A time may come when the principal nations of the Continent may find it convenient to follow the example of China in appointing an officer whose duties are more extensive than those of a Procureur-General or a Ministere Public.

Directors and Promoters.

IT IS NOT too much to say that the methods of business have been revolutionized by the introduction of limited companies. This has enabled the prosecution of enterprizes which otherwise would never have come into being, and in numberless instances it has transferred the management of businesses from those actually interested in them to directors who manage them partly for themselves, but mainly on account of others. The defects of the new system are shrewdly and amusingly criticized by Mr. B. F. HAWKSLEY in his paper on "The Company Director" read at the provincial meeting of the Law Society. He notes in particular the point to which we have just referred. "The weak spot in the ordinary joint stock company is undoubtedly that its management must of necessity be by deputy—that is, by directors or those in the position of directors." And this, of course, is specially the case with public companies. In private companies the management is usually in the hands of persons who would be managing the business if companies had never been thought of; who give all their time to it, and who take all the profits. In public companies the director occupies a very different position. He manages other people's affairs; his remuneration is small, and he is expected to forego it when business is bad. And Mr. HAWKSLEY expresses surprise that men should be found willing to accept the office with its doubtful advantages. "I marvel," he says, "that men become directors—yet we find men

to-day elated by the anticipatory joys of the director to be, only to be depressed to-morrow by the repentant sorrow of the director in being." But if the director takes the risks attendant on management of a company, he is free from the risks incident to bringing it into existence. These lie with the promoter, whose business it is to be responsible for the initial expenses, and to get together the machinery for starting the company. "He it is who wears out his shoes, as well as himself, in running all over the place seeking whom he may devour—in other words, seeking directors and other officials for the company, including sometimes underwriters, and generally what he calls 'the solicitor to the company.' He it is who prepares endless editions of the prospectus, which, when finally settled, front page and all, is presented to the public by the puff preliminary." The promoter has his troubles and his risks, and sometimes, perhaps, he gets a good thing as compensation. But the director also has risks and little to reward him. Mr. HAWKSLEY thinks that if he is to do his duty properly he must be adequately remunerated, or the work must be handed over to permanent officials paid to give their exclusive time. But in fact this is what happens already. A director does little and gets little, and it is possible to exaggerate the risks he runs. In all companies with real business the responsible work is done by officials—managing directors and others—and without them companies would never have obtained their present position.

House Property in the West of London.

THE DECLINE in the value of house property in the West of London has placed the owners of leasehold houses in a position of embarrassment and difficulty. A large proportion of these houses were built in the lifetime of persons still living, and were originally let at high rents and subject to covenants against using the premises for carrying on any business or allowing them to be used otherwise than as private dwelling-houses. The leases were purchased by many persons who regarded them as an eligible investment, and who relet them for terms of seven, fourteen, and twenty-one years at rents of nearly double the amount which can be obtained at the present day. Even with this reduction of the rents it is not always possible to secure tenants, and there can be little doubt that landlords acquiesce in breaches of covenant by occupiers who are anxious to obtain some alleviation of the burden of their rent. It is notorious that many of the tenants of large houses receive "paying guests," and it would, we think, be difficult to argue that the introduction of paying guests is not a breach of the above-mentioned covenants. We see in other cases houses in the midst of a residential district which have been converted into private hotels, or into buildings let in flats, the landlord in some cases acting as caterer for the tenants. In all these cases there is either a breach of covenant or the landlord has consented to a modification of the terms of the leases in consideration of a substantial increase in the ground-rents. It is more than probable that it may be necessary in the future to admit a sensible relaxation in the covenants affecting the occupation of Metropolitan dwelling-houses.

The Revision Courts.

THE LATCHKEY and lodger claims continue to be the principal feature of the cases reported as coming before the Revision Courts. Claims were made unsuccessfully by priests and lay brethren in respect of their rooms at St. Joseph's Retreat, Highgate. Each had his own bedroom, and the living room was used in common. They were held not to be inhabitant occupiers. Claims to be placed on the register in respect of a lodger qualification were made by some twenty police constables at Islington. Each constable had a cubicle to himself, of which he had the key. These cubicles, however, were not complete rooms, the partitions not reaching to the ceiling. The claims were rejected on this ground. A claim by the chaplain of the Bishop of Winchester to be placed on the register as an occupier was rejected, although he had a set of rooms to himself in Farnham Castle. A number of medical students put in claims in respect of their occupation at St. Bartholomew's Hospital. They each had rooms and paid rent, and these rooms remained their own during the vacation. The claims were allowed. Of other claims and objections the case of Mr. Justice SCRUTTON may be noticed. The learned judge, like many other judges, still keeps on his chambers in the Temple. It was objected that he no longer occupied these chambers, but the revising barrister held otherwise, and the objection failed.

A Lost Opportunity.

THE past year has not been productive of much matter of legal interest except the new land taxes, and its uneventful character was reflected in the address given by Mr. JOHNSON as President at the Provincial Meeting of the Law Society this week. Still there are some current matters as to which a definite and well-reasoned pronouncement by the President would have carried weight, and we are sorry that this is wanting.

After a graceful and appropriate tribute to the memory of the members of the Council—no less than six—who have died during the year, the President passed to the subjects of the Preliminary Examination, the Public Trustee, the Society's Supplemental Charter, the Finance Act, 1910, the Conveyancing Bill, Business in the King's Bench Division, and Land Transfer.

In dealing with the Preliminary Examination, the President followed in the steps of Mr. WINTERBOTHAM in last year's address. The special training of a lawyer must be based on a good general education, and the Preliminary Examination is meant to supply the test of whether this has been received by the candidate. The Law Society has its own examinations under its control, and can raise the standard as it pleases, but this is of little use so long as it is bound to accept as substitutes such examinations as the Oxford and Cambridge Junior Local Examinations and those of the College of Preceptors. This is the effect of section 10 of the Solicitors Act, 1877, which contains a long list of examinations exempting from the "Preliminary." It is singular that the Law Society should have been fettered in this way by Parliament, and it is singular also that changes in the list are entrusted, not to the society, but to certain of the judges. It seems sufficiently obvious that it is for the society to determine what examinations shall be accepted as a substitute for their own, and when Mr. JOHNSON urges a definite attempt to modify the section, we hope that he has in view an attempt to bring the matter entirely within the power of the Council. A good general education is of special importance in the case of a lawyer, since he is required to turn it to use in many directions. It is essential to the proper study of the law itself, and it is also essential to the many practical applications of the law with which a lawyer requires to be familiar. And in taking steps to insure that candidates have had the necessary education, the Council of the Law Society should, as Mr. JOHNSON claimed, be on the same footing as the Inns of Court. "Our branch of the profession," he said, "should not be content or obliged to remain on any lower footing than the bar in this highly important matter of the preliminary general education of its own students."

Somewhat different considerations apply to the special exemption from the Preliminary Examination which can be granted by the Lord Chief Justice and the Master of the Rolls under section 11 of the Act of 1877. These judges, or either of them, may, under special circumstances, "grant exemption from the preliminary examination either entirely or partially." It is generally understood that this facility is intended for solicitors' clerks who desire to be admitted at an age when the Preliminary Examination has become an inappropriate test, but Mr. JOHNSON considers that the exemption is obtained too easily. The Lord Chief Justice and the Master of the Rolls usually, it seems, refer applications to the Council for advice. "In some cases the Council is able, upon the whole facts, to recommend the exemption; but these are rare exceptions, and it more usually appears that the applicant has attended some elementary school until the age of about fourteen, that he has since then been employed as clerk in solicitors' offices, and has at no time received any such general education as would have enabled him to pass our Preliminary Examination." And Mr. JOHNSON takes excep-

tion to the common form testimonials, which are frequently given in favour of the applicants by persons who consider the exemption as a suitable reward for good conduct and industrious service in a solicitor's office. He urges that in no case should the exemption be allowed "unless the facts clearly establish that, in addition to his possessing the other essential qualifications, the applicant's general education has at the least been such that he could, at some period of his career, have passed the society's Preliminary Examination." Perhaps this is the sound view, for to have back ways into a profession leads to abuses; and yet in many cases long experience in a solicitor's office gives qualifications which are very valuable in practice, although the educational foundation may be weak. There are few practitioners in either branch of the profession who are not acquainted with the valuable work done by solicitors' clerks. If the occasional chance for these men to obtain the standing of solicitors is denied, the change may be necessary, but it will be made with regret.

The subject of the Public Trustee is not one that is exciting any special interest at the present time, and Mr. JOHNSON appears to have touched upon it chiefly for the purpose of calling attention to the use that may be made both of this official and of banks in the capacity of custodian trustees. The Public Trustee is chiefly known by the system of advertisement which he has made a feature of his department. In his own view he has been acquiring business in a marvellous manner, but figures concerning property in this country usually attain respectable proportions, and he is perhaps more impressed with the property which has come within the sphere of his influence than with the vastly greater amount which remains, and is likely to remain, outside. For ordinary trust matters an official is the least desirable of trustees; but as far as the safety of the trust funds is concerned, there are considerations in favour of employing the Public Trustee, or, preferably, a bank, in this capacity, and Mr. JOHNSON suggests that the advantages to be obtained by adopting the part of the Public Trustee Act relating to custodian trustees may well be pointed out to clients when solicitors are taking instructions for a will. "A person appointing the Public Trustee as ordinary trustee knows he must necessarily waive certain advantages which his family would secure if he appointed a private trustee; but, on the other hand, he feels that he is securing protection for funds which may not improbably represent the entire fortune of those who are to come after him. The same protection, however, he can equally well secure by the appointment of his bank as custodian trustee."

After a reference to the supplemental charter of the Law Society granted in June of last year, Mr. JOHNSON touched upon the Finance Act, but as to this he avoided any discussion of the points of difficulty to which the complexity of its provisions is likely to lead. Many of these will have to be solved by litigation either at the expense of the Inland Revenue—that is, taxpayers generally—or of the particular taxpayer. But in either case the solution will be chiefly valuable to the commissioners, and Mr. JOHNSON usefully suggested that the courts should have a wide discretion to direct in proper cases that costs should be paid by the commissioners, even though successful. Unfortunately, there is every prospect that fiscal demands will become more, rather than less, pressing, and it is important that they should only be put forward in strict compliance with the law. The experience of the next year will shew whether the Finance Act has dealt in a practical way with the extremely difficult subject of taxation of land values, but it will be an additional burden on landowers if they have to submit to doubtful demands because resistance means a risk of incurring heavy costs.

The President touched also upon the Conveyancing Bill, which has passed the House of Commons, and is now in the House of Lords; on business in the King's Bench Division, and on Land Transfer. As regards business in the King's Bench Division, Mr. JOHNSON again avoided any detailed discussion, and was content to note the appointment of the additional judges, and to wait for the further steps promised for the better arrangement of business; and as regards Land Transfer he preferred to treat the question as *sub judice* pending the report of the Royal Commission.

As a whole, the address is disappointing. It furnishes a reminder of the various matters which call for solution in the near future, but it affords no guidance as to dealing with them.

Concerning Fixtures.

FROM early times the courts have been busy in trying to define the nature of a fixture, but the matter in its practical aspect is still by no means clear, and a passage which occurs in the judgment of BUCKLEY, J., in *Re Hulse, Beattie* v. *Hulse* (1905, 1 Ch., p. 411) shews that even in its theoretical aspect there is room for fundamental difference of opinion. "The question," he said, "has been argued whether the true principle is that where the tenant fixes chattels to the freehold with the right to remove them during his term, that right is an exception which enables him to remove part of the freehold, or an exception by which the chattels do not become part of the freehold. It appears to me that the exception is an exception to the maxim *Quidquid plantatur solo solo cedit*. It is not that the law allows the tenant for years to remove part of the freehold, but that the chattels have not become part of the freehold. The exception makes them not part of the freehold."

The view expressed in this passage is interesting, but there seems to be little doubt that it is erroneous both historically and practically. The whole doctrine of fixtures rests upon the maxim just quoted, and the first question which arises is whether the chattel has in fact become affixed to the freehold. If it has, the maxim applies, and the property in the chattel follows for the time being the property in the soil. But then comes in the relaxation of the strict rule of law which allows the fixture in certain cases to be removed by lessees for years and others, so that it regains its quality of a chattel. This, it is believed, is the principle that governs the law of fixtures, and it is explicitly stated in the judgment of Lord CAIRNS, C., in *Bain* v. *Brand* (1 App. Cas., p. 769). After referring to a statement of Lord GIFFORD that a trade fixture remained the moveable property of the tenant *quoad omnia*, he said: "It appears to me that that is an error; it does become attached to the inheritance. The fixture does become part of the inheritance; it does not remain a moveable *quoad omnia*; there does exist on the part of the tenant a right to remove that which has been thus fixed, but if he does not exercise that right it continues to be that which it became when it was first fixed, a part of the inheritance." It will be seen that this passage meets exactly the question put by BUCKLEY, J., and answers it in a different way. And, indeed, Lord CAIRNS' statement of the principle seems to be necessary in order to support the rule that the tenant, if he wishes to exercise his right of removing the fixtures, must do so during the term: see *Weeton* v. *Woodcock* (7 M. & W. 14). If they remained his moveable property throughout, he would not lose his interest in them because on quitting he happened to leave them behind. He could in such a case claim them in trover just like any other moveable which he did not take with him. But it is because the fixture is already a part of the freehold that the landlord has a reversionary interest in it, and when this reversionary interest has become an interest in possession by the determination of the term, it is free from the tenant's right of removal. It is in this sense that it is said that after the term the trade fixtures become a gift in law to him in reversion: *Poole's case* (1 Salk. 368); *Elwes* v. *Maw* (3 East, p. 52); and see *Gibson* v. *Hammersmith Railway Co.* (2 Dr. & Sm., p. 610).

But while the fundamental principle that a fixture becomes part of the soil, although subject in certain cases to a right of removal, is not likely to be altered, in other respects the rules relating to fixtures have been modified in recent times. The original theory was that there were three degrees of relaxation of the strict rule of the common law, the least in the case of heir and executor, somewhat more in the case of executors of a limited owner and the remainderman, while the greatest relaxation was allowed in the case of landlord and tenant: *Elwes* v. *Maw* (*supra*, at p. 51). But it may be doubted whether this

method of distinction is now recognized. As between the heir or devisee and the executor of an absolute owner who has affixed chattels to the soil there is no reason for interfering with the disposition which the owner himself has made of the chattel. If in fact it has become a fixture and so remains at the time of his death, it passes as part of the land, and no relaxation of this rule gives the executor any right to remove it: *Fisher* v. *Dixon* (12 Cl. & F. 312), *Bain* v. *Brand* (1 App. Cas. 762). On the other hand, when the chattel has been affixed by a person with a limited interest in the land, a relaxation is allowed in the case of trade fixtures and articles of ornament, and it appears to make no difference whether such person is a tenant for life or a tenant for years. In each case the reason for allowing the relaxation is the same and the extent of the relaxation is also the same. This is recognized in the judgments of RIGBY and STIRLING, L.JJ., in *Re De Falbe* (1901, 1 Ch., pp. 530, 539), and the authority of these judgments does not seem to be affected by the circumstance that the House of Lords in *Leigh* v. *Taylor* (1902, A. C. 157) affirmed the decision on another ground—namely, that the tapestry there in question had never became a fixture at all; and see *Re Hulse* (*supra*).

And it may be said that the real difficulty as regards fixtures arises not in determining whether a tenant for years or the executors of a tenant for life are entitled to remove them, but whether they have become fixtures at all, and this is a question of special importance as between a mortgagee and the mortgagor and persons claiming under the latter, for here no relaxation of the strict rule of the common law is allowed, and if an article has once become a fixture the mortgagee's right attaches—a rule which has had very harsh results in cases where the mortgagor has obtained machinery on hire and affixed it to the land: see *Re Hobson* v. *Gorringe* (1897, 1 Ch. 182); *Reynolds* v. *Ashby* (1904, A. C. 566).

As regards the question whether the article in fact becomes a fixture or not, it is well recognized that this depends partly on the mode of annexation and partly on the object of the annexation; and so far as it depends on the object of the annexation, it may be said to depend to some extent on the intention of the person who affixes it. But this is an intention which is to be gathered from the circumstances of the annexation (*Hobson* v. *Gorringe*, *supra*), and a person who annexes an article so as to make it a fixture cannot prevent this result by intending that it shall remain a chattel. In *Hellawell* v. *Eastwood* (6 Ex., p. 312) PARKE, B., suggested what might have become a clear test as to the object of annexation. The question, he said, after referring to the mode of annexation, depends "secondly on the object and purpose of the annexation, whether it was for the permanent and substantial improvement of the dwelling . . . or merely for a temporary purpose, or the more complete enjoyment and use of it as a chattel"; and applying this test, he had no difficulty in holding that spinning mules attached to a factory in such a way as to be easily removeable were not fixtures. They were attached to enable them to be more conveniently used as chattels, a view which would be obviously correct but for later cases.

The courts, however, have dealt with *Hellawell* v. *Eastwood* by saying that the principle was rightly stated, but was incorrectly applied, and for practical purposes the case was overruled by *Holland* v. *Hodgson* (L. R. 7 C. P. 328). It is still, perhaps, permissible to regret that this course was taken, but it has been persisted in in numerous cases since, both in the Court of Appeal and the House of Lords: see, *e.g.*, *Hobson* v. *Gorringe* and *Reynolds* v. *Ashby* (*supra*); and when recently a county court judge followed the decision of PARKE, B., he was promptly reversed by a Divisional Court: *Crossley Bros.* v. *Lee* (1908, 1 K. B. 86). Occasionally, as in *Lyon & Co.* v. *London City and Midland Bank* (1903, 2 K. B. 135), a chattel may escape on the ground that it is affixed to enable it to be used and not to improve the building; but in general the common sense view as to the real object of annexation taken in *Hellawell* v. *Eastwood* has been set aside, and machinery almost universally, if affixed at all, becomes part of the building. The treatment of *Hellawell* v. *Eastwood* is perhaps, next to *Elwes* v. *Maw*, the most singular event in the development of the law of fixtures.

Reviews.

Friendly Societies.

THE LAW RELATING TO FRIENDLY SOCIETIES AND INDUSTRIAL AND PROVIDENT SOCIETIES. By FRANK BADEN FULLER, Barrister-at-Law. THIRD EDITION. Stevens & Sons (Limited).

The author has extended the scheme of his original work by including the law and practice relating to industrial and provident societies, and its utility has thus been considerably increased. The statute law governing both classes of society has been consolidated of recent years, that of friendly societies by the Friendly Societies Act, 1876, and that of industrial and provident societies by the Industrial and Provident Societies Act, 1896; and in addition to these principal statutes there are various amending Acts, such as the Friendly Societies Act, 1908, and the Assurance Companies Act, 1909. All these statutes, as well as portions of other relevant statutes, are given in the text, and their provisions are copiously annotated; while there is prefixed to each division of the work an introduction giving the history and a summary of the legislation affecting the class of society with which it deals. Friendly society legislation appears to date from 1793, and the existing Act is the fourth measure of consolidation. Industrial and provident societies were a development from friendly societies, and were first separately dealt with by the Industrial and Provident Societies Act, 1852. Both classes of society have been the occasion of difficult questions as to their management and the division of their funds on dissolution; witness such cases as *Cunnack* v. *Edwards* (1896, 2 Ch. 679) and *Braithwaite* v. *Attorney-General* (1909, 1 Ch. 510), on the rights of the last surviving members, and *Dennison* v. *Jeffs* (1896, 1 Ch. 611) and *Rudd* v. *James* (1896, 2 Ch. 554), on the position of infant members; and the authorities are usefully collected and stated in the present volume. The appendix includes information as to audit and valuation, and model rules adapted to different classes of society, and the addenda include a reference to the Companies (Converted Societies) Act, 1910, which validates such conversions of friendly societies into companies as were impugned in *Blythe* v. *Birtley* (1910, 1 Ch. 228) and *McGlade* v. *Royal London Mutual Insurance Society* (1910, 2 Ch. 169).

Company Law.

THE JOINT STOCK COMPANIES PRACTICAL GUIDE, WITH THE TEXT OF THE COMPANIES (CONSOLIDATION) ACT, 1908. By HENRY HURRELL and CLARENDON G. HYDE, Barristers-at-Law. WITH NOTES ON THE LAW RELATING TO ENGLISH COMPANIES IN FRANCE, By MAURICE THÉRY, Avocat de la Cour d'Appel de Paris, Barrister-at-Law. TENTH EDITION. Waterlow & Sons (Limited).

The body of this work contains an excellent practical guide to the law of companies. The text of the Companies (Consolidation) Act, 1908, is given in the appendix, which also contains a common form of memorandum of association, a short form of articles of association, and forms of frequent use in the management of companies. The law has not been substantially altered by the Consolidating Act of 1908, but a great simplification has been introduced into the statute law, and the new Act forms the basis of the present edition of Messrs. Hurrell and Hyde's work. The text affords many examples of the concise statement of case law, such as in the parts on the issue of shares at a discount (p. 61), and on the nature of debentures and their relation to other securities (pp. 184–192).

Book of the Week.

Wills.—A Treatise on Wills. By THOMAS JARMAN, Esq. The Sixth Edition. By CHARLES SWEET, Barrister-at-Law, assisted by CHARLES PERCY SANGER, Barrister-at-Law. In Two Volumes. Sweet & Maxwell (Limited).

Correspondence.

Finance (1909-10) Act, 1910.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—A foreclosure order absolute being a conveyance on sale within the meaning of the Stamp Act, 1891, gives rise to the suggestion that it may be also a "transfer on sale" within section 1 (*a*) of the above Act, and so liable to be stamped with one of the three Increment Value Duty denoting stamps specified in section 4 (3) of the last-named Act. The fact that this Act casts no obligation on a purchaser to see to the collection or payment of this duty is immaterial, since, unless his conveyance is properly stamped in this respect, it is not "deemed to be duly stamped," and in his own

interests, therefore, it behoves a purchaser to concern himself about the matter.

In view of the above situation it may interest your readers to learn the opinion of the Commissioners of Inland Revenue on the point, and we enclose a copy of a letter received from them shewing that in their view, a foreclosure order absolute is not the subject of Increment Value Duty, on the short point that it is not a transfer "in pursuance of any contract." GIBSON & WELDON.

27, Chancery-lane, London, Sept. 26.

The following is the letter referred to by our correspondents:—

[COPY.]

Inland Revenue, Somerset House, London, W.C.,
21st September, 1910.

Finance (1909-10) Act, 1910.—Increment Value Duty.

Gentlemen,—In reply to your letter dated the 15th instant, I am directed by the Board of Inland Revenue to acquaint you that they are advised that a foreclosure decree is not a transfer in pursuance of any contract; and, consequently, it does not create an "occasion" for the collection of Increment Value Duty within section 1 (*a*) of the Act.—I am, gentlemen, your obedient servant,

P. THOMPSON, Assistant Secretary.

Messrs. Gibson & Weldon.

Form 4.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—In the case of a leasehold interest does Form 4 require the amount of ground-rent to be stated?

It is not asked for by paragraph (*d*) (3), which deals with the length and commencement of the term and the name and address of the lessor, although I should have expected a reference to it here.

Paragraph (*p*) (1) asks for the "Fixed Charges," a very comprehensive expression which *primâ facie* would include ground-rent. But "fixed charge" is the subject of an elaborate definition in a footnote to the instructions, and I am by no means sure that that definition includes ground-rent.

The material words are "any fee farm rent, rent seck, quit rent, chief rent, rent of assize, or any other *perpetual* rent or annuity granted out of land."

The point is an important one from the Government point of view, as it is impossible to value a leasehold interest without knowing the ground-rent. W. H. W.

New Orders, &c.

Rules Publication Act, 1893.

The following Draft Rules are published pursuant to the above Act. Copies may be obtained at the Board of Trade:—

THE BANKRUPTCY ACTS, 1883 AND 1890.

General Rules made pursuant to section 127 of the Bankruptcy Act, 1883.

Retaxation of costs where assets realized more or less than certified amounts.

1. Where, in any case, whether summary or not, the Official Receiver or trustee has certified the amount of the assets of a debtor and, after taxation of any costs on the footing of such certificate, the assets are ascertained to be either more or less than the amount at which they have been certified, the Official Receiver or trustee (as the case may be) shall amend his certificate and the taxing officer shall amend his allocatur in accordance with such amended certificate. Where the amount allowed by such amended allocatur is in excess of the sum previously allowed, such excess shall on demand in writing be paid by the trustee out of any available assets in his hands at or after the date of the amended allocatur; and where the amount allowed by such amended allocatur is less than the sum previously allowed, any excess over the amount allowed by the amended allocatur which may have been paid shall be repaid to the trustee by the person to whom it was paid.

A fee shall only be payable on the amended allocatur where the amount thereby allowed exceeds the amount previously allowed, in which case the fee shall be calculated on the amount of such excess.

2. The last clause of Rule 112 (2) viz.: from the words "and if in error" to the end of the Rule and the whole of Rule 112A of the Bankruptcy Rules, 1886 and 1890, are hereby annulled, and Rule 1 of these Rules is hereby substituted for the said part of Rule 112 (2) and for the said Rule 112A and may be cited amongst the Bankruptcy Rules, 1886 and 1890, as Rule 112A.

3. The following addition is hereby made to Rule 283 of the Bankruptcy Rules, 1886 and 1890, and such Rule shall hereafter be read and construed as if the words following were added thereto, viz.:—Such books shall, on payment of the prescribed fee, be open for public information and searches, provided that the Registrar may in any case before allowing a search require the applicant to satisfy him as to the object for which such search is required. If the Registrar refuses to allow a search the applicant may apply ex parte to the Judge in Chambers, without written application or other formality, and the Judge may allow or refuse a search in such manner and to such extent and with such limitations (if any) as he may think fit. The decision of the Judge on any such application shall be final and conclusive.

4. Form No. 11 in the Appendix to the Bankruptcy Rules, 1886 and 1890, is hereby amended as follows, viz.:—Strike out paragraph 4 of present form, and substitute,

(4) That the estate of the said A. B. is according to my information and belief insufficient to pay his debts.

(5) That the will of the said A. B. was on the day of proved by J. S. of and G. H. of

or

That letters of administration were on the day of granted to J. S. of and G. H. of .

5. Form No. 19 in the Appendix to the Bankruptcy Rules, 1886 and 1890, is hereby amended as follows, viz.:—

In title insert "Security" after "Proceedings."

After "pounds only" at the end of first recital add "*or as the case may be.*"

Omit from "or whereas" to "petition in Bankruptcy."

After "such Court" insert "*or whatever the condition of the bond is.*"

These Rules shall come into operation on the day of , 1910, and may be cited as the Bankruptcy Rules, 1910.

Dated the day of , 1910.

Societies.

The Law Society.

PROVINCIAL MEETING.

The annual provincial meeting of the Law Society was held at Bristol, the proceedings commencing with a

RECEPTION AND CONVERSAZIONE

on Monday, on the invitation of the Lord Mayor of Bristol (Mr. C. A. Hayes) and the Lady Mayoress, when the members and the ladies accompanying them were received at the Bristol Art Gallery, Queen's-road, Bristol.

TUESDAY'S PROCEEDINGS.

The business meeting was held on Tuesday morning at the University, Tyndall's Park. Among those present were the Vice-President, Mr. William John Humfrys (Hereford), Mr. James S. Beale, Mr. J. J. D. Botterell, Mr. John W. Budd, Mr. R. S. Cleaver (Liverpool), Mr. A. H. Coley (Birmingham), Mr. R. W. Dibdin, Mr. Walter Dowson, Mr. Robert Eggar (Brighton), Mr. Robert Ellett (Cirencester), Mr. Samuel Garrett, Mr. A. M. Jackson (Hull), Mr. Charles E. Longmore (Hertford), Mr. J. F. Milne (Manchester), Mr. Charles H. Morton (Liverpool), Mr. R. C. Nesbitt, Mr. A. Copson Peake (Leeds), Mr. R. A. Pinsent (Birmingham), Mr. W. A. Sharpe, Mr. Francis Sturge (Bristol), Mr. R. S. Taylor, Mr. R. M. Welsford, and Mr. W. H. Winterbotham (members of the Council), Mr. S. P. B. Bucknill (secretary) and Mr. E. R. Cook (assistant secretary).

The Lord Mayor gave a very warm and hearty welcome to the members.

PRESIDENT'S ADDRESS.

The PRESIDENT (Mr. H. J. Johnson, London) then took the chair, and delivered his address as follows:—

After referring to the establishment of the University of Bristol, he continued: Since our last provincial meeting we have had to deplore the deaths of no less than six members of the Council—Sir John Hollams, Mr. Richard Pennington, Mr. Thomas Marshall, Mr. E. K. Blyth, Mr. C. Mylne Barker, and Mr. F. Dawes. A tribute to the memory of all of them (except Mr. Pennington, whose death was more recent) has been paid in our annual report; in each of them we have lost a valued colleague; but the great length and the very special nature of the services which Sir John Hollams, Mr. Pennington, and Mr. Marshall rendered to their profession and to the public appear to me to call for some particular mention on this occasion. Sir John Hollams was in practice for no less than sixty-five years, and was a member of the Council for forty-four years. Throughout his unique career he devoted himself almost exclusively, and with untiring zeal and energy, to his practice, to the affairs of this society, and to the promotion of improvements and reforms in the administration and machinery of the law. It may safely be said of him that no solicitor

has, within living memory, held a higher position or exercised a wider influence for the good of the profession than he did. He died in harness, as we know would have been his wish; and notwithstanding his advanced age he was taking until the last a regular and active part in our debates and on our committees, where his mature judgment and unequalled experience made his co-operation invaluable. He was also a munificent supporter of the Solicitors' Benevolent Association. His death has removed from us a very striking personality and a revered colleague. Of Mr. Pennington I would say that no one ever more completely identified himself with every branch of the society's work. He joined the Council in 1879, was president in 1892-1893, and during the whole of that time there was no matter of any importance in which he did not take an active and prominent part. He acted as chairman of our Finance Committee for nineteen years, and it was during his tenure of that exacting office and owing to his care and financial ability that the repayment of the original debt upon our premises was completed, whereby we were enabled to undertake the enlargement and improvement of our building, which has proved of such advantage and convenience to the members. He represented the society on the Senate of the University of London from the time of its incorporation until his death, and recently he undertook the arduous duties of a member of the Royal Commission on Land Transfer. He was the only solicitor on the Commission, and his removal from us before the publication of the report is not only from our own but also from every other point of view a matter for the deepest regret and concern. In all the various duties which he undertook he was never content without laboriously mastering every detail, and only those who were associated with him in the performance of those duties can fully appreciate the immense value of the services which he so unsparingly placed at the society's disposal. In Mr. Thomas Marshall also we have lost one to whom we have for long been under obligation. For thirty-seven years a member of the Council, for at least forty years a member, and for some time president, of the County Courts Registrars' Association, he also took a principal part in the establishment and in all the subsequent work of the Association of Provincial Law Societies, the importance of which to this society it would be difficult to exaggerate as a means of keeping us in touch with the views and securing the co-operation of our brethren in the country. Whatever Mr. Marshall took upon himself to do he did it with all his might: in his several capacities he rendered quite peculiar service to the profession, and he has left behind him a record of fruitful labours to which, as well as to the memory of the man himself, we pay our tribute. I must also pay a tribute to the memory of the late Mr. Joseph Addison, who, prior to his retirement from this Council in 1902, had for long taken a prominent part in all the work of the society. He filled the office of president with great distinction in 1897, and his sound judgment, directness of purpose, and sympathetic nature made him an invaluable colleague and an honoured friend.

Preliminary Examinations.

The Council have for some time past considered that admission to our profession should be preceded by some higher general education than we have yet been able, in practice, to require. I say "in practice" because although since 1877 the society has had control of its own examinations, and it would thus be within our statutory power to somewhat raise the standard of our own preliminary examination, it is (as my predecessor in this chair pointed out) obviously useless for us to take this step so long as we are obliged by statute to accept certain outside examinations of an inadequate standard as substitutes for it. I know the difficulty of carrying through any legislation without the active support of the Government of the day, and the initial difficulty, in the present state of parliamentary business, of securing that support; but the question has recently been revived and reconsidered, and I hope to see a definite attempt made in the direction to which I refer—viz., some modification of section 10 of the Solicitors Act, 1877. The Inns of Court, by their new consolidated regulations which will take effect on the 1st of October of this year, have (with, I believe, the same object as I have put before you) abolished their preliminary examination altogether, and will henceforth require their students, with certain proper exceptions, to have taken a University degree or passed one of several specified outside examinations which are such as to afford proof of the student having, prior to his admission as such, received a really satisfactory general education; and though it is true that the Inns of Court are their own masters in this respect, and have required no statutory authority or dispensation for their new regulations, I nevertheless submit that our branch of the profession should not be content or obliged to remain on any lower footing than the bar in this highly important matter of the preliminary education of its own students. I also feel it my duty to observe upon the cases in which application is made, under the Act of 1877, to the Lord Chief Justice of England or the Master of the Rolls for total or partial exemption from the preliminary examination. The practice of these learned judges is to invite the opinion of the Council upon all such applications, and we usually find them supported by testimonials from members of our own profession and others (including members of the bar), stating in more or less general and common-form language that the applicant is a person to whom the exemption may be properly granted. In some cases the Council is able, upon the whole facts, to recommend the exemption; but these are rare exceptions, and it more usually appears that the applicant has attended some elementary school until the age of about fourteen, that he has since then been employed as clerk in solicitors' offices, and has at no time received any such general education as would have enabled him to pass our preliminary examination. It also not uncommonly appears that the signatories of the testimonials regard the exemption as a suitable reward for good conduct and industrious service in a solicitor's office, and that they have based their testimonials mainly, if not entirely, on that ground. The Council, of course, wish to give effect so far as possible to the views expressed by members of the profession on this or any other subject, but such testimonials shew a misapprehension as to the nature of the "special circumstances" which can be regarded as justifying any exemption, and I shall be glad if I can do anything towards removing it. The standard of general education now required for the passing of the society's preliminary examination is already inadequate for admission to a learned profession, and I venture to urge, as forcibly as I can, that these testimonials should never be readily or lightly given (as I am convinced they not uncommonly are), and that they should under no circumstances be given at all unless the facts clearly establish that, in addition to his possessing the other essential qualifications, the applicant's general education has at the least been such that he could, at some period of his career, have passed the society's preliminary examination. And in particular I would point out that neither length of service and industry in a solicitor's office nor proficiency in legal knowledge and practice can of themselves be regarded as sufficient grounds for the exemption.

The Public Trustee.

From communications which have from time to time been received by the Council I am led to think that some of us may be taking what I myself believe to be in certain respects an erroneous view of the Public Trustee Act as affecting our profession, of the relation between us and the Public Trustee, and also as to the province of the society and its Council in these matters. I therefore wish to state my individual views for what they may be worth. Doubtless the Public Trustee, in administering the estates and trusts committed to him, performs without legal assistance various duties which would otherwise in many cases fall to solicitors, and to this extent he deprives us of remunerative business. But the duties to which I refer are of a non-legal character, such as lay trustees, no less than the Public Trustee, can and often do perform for themselves without being open to the reproach of infringing upon our professional rights. We have, therefore, no *locus standi* to complain of this. It is by the client's own wish and act that it is so, and we have no alternative but to accept the situation. The statistics presented in the Public Trustee's annual report (published in March last) as to the increase in the number of estates and trusts placed under his administration appear to me to shew that the Act has afforded, in certain cases, a solution of the occasional difficulty of finding individuals willing and suitable to act as trustees; but I do not gather from them any indication that the Public Trustee is likely to supersede the system of private trusteeship which, owing largely to the care and skill of our profession, works, on the whole, so well in this country, and is so eminently adapted to our social and other conditions and requirements. As regards the relation between solicitors and the Public Trustee, I am sure not only that the present holder of the office is desirous of co-operating with us, but also that such co-operation is essential to the development of his business, and that he and his successors can only secure it by associating themselves for all the legal business of a trust with those whom the testator or settlor has indicated, or to whom it has been previously entrusted; and I believe that, apart from exceptional cases, where special circumstances may plainly dictate a departure, this practice is, and will be, adhered to. The same consideration will equally weigh with those banks and other bodies who undertake executorships and trusteeships, and I can cite the case of one important bank which has never yet associated itself for the legal business with anyone but the solicitor employed or nominated by the testator or settlor. This bank, moreover, announces itself as willing to give, subject to proper reservations, a formal assurance to that effect; and I believe the same thing is done by other banks and bodies, and also by the Public Trustee. It is, I am sure, a mistake to suppose that bankers are undertaking these duties merely for the sake of the fees attaching to them, or with any idea of disturbing the position of the family solicitor. Their object is to secure banking business for themselves, and, in particular, to prevent the accounts of deceased customers being removed from them. Before leaving this subject, I would call your attention to a portion of the Public Trustee Act which has hitherto, I think, been somewhat overlooked in practice—viz., the creation of the office of custodian trustee. The title "custodian trustee" and the powers given to him were, I believe, originally suggested by your Council. By section 4, any bank or insurance company or other body corporate authorized by rules made under the Act, or the Public Trustee, may be appointed as a custodian trustee of any trust, and, in regard to the protection of the trust property, a testator or settlor may, so far as I can see, secure all the advantages to be obtained by the employment of the Public Trustee, without the disadvantages that must attach to the employment of a public department for the exercise of the confidential and often very delicate powers and discretions which fall to a trustee. The respective powers and duties of a Custodian Trustee and of the ordinary trustees (or "Managing Trustees," as they are called in the Act) are as follows:—1. Where a Custodian Trustee is appointed the trust property is to be transferred to him, and he is also to have the custody of all securities and documents of title relating to the trust: the Managing Trustees having free access thereto. 2. The management of the trust property and the exercise of every power or discretion vested in the trustees is to remain in the Managing Trustees, and the Custodian Trustee has nothing to do with them. 3. The Custodian Trustee is to concur in and perform all acts necessary to enable the Managing

Trustees to exercise their powers or any power or discretion vested in them. 4. The power of appointing new trustees, when exercisable by the continuing trustees, is to be exercised by the Managing Trustees to the exclusion of the Custodian Trustee. 5. The Custodian Trustee is empowered to accept any statement made by the Managing Trustees, and may act on legal advice obtained by them. If solicitors, when taking instructions for a will or settlement, would point out the advantages to be obtained by the adoption of this part of the Public Trustee Act, I believe that clients would often be willing to secure them. A person appointing the Public Trustee as ordinary trustee knows he must necessarily waive certain advantages which his family would secure if he appointed a private trustee; but, on the other hand, he feels that he is securing protection for the funds which may not improbably represent the entire fortune of those who are to come after him. This same protection, however, he can equally well secure at less expense by the appointment of his bank as Custodian Trustee. There is also the Judicial Trustee Act, 1896, of which comparatively little advantage appears to have been taken, except perhaps in respect of that part of it which enables the court to give relief to trustees, in proper cases, for breaches of trust. It seems to me that under this Act practically all the advantages of the Public Trustee Act may be secured, and that the expenses of working under it, though rather higher than with a "Custodian Trustee," will probably be lower than those incurred with the Public Trustee as an ordinary trustee. But as, in pursuance of a resolution passed at a general meeting of the Society in April last, the Council have recently issued a report upon this Act (which is printed in the appendix to our last annual report) I need not now occupy your time by any further reference to the subject. I venture to think that the advantages obtainable by the appointment of either a "Custodian Trustee" or a "Judicial Trustee" are worthy of your careful consideration.

The Society's Supplemental Charter.

Our Supplemental Charter was granted in June, 1909. The Privy Council did not see fit to accede to our proposal that non-certificated solicitors should be eligible for membership of the Society; but our other proposals were adopted and embodied in the Charter. One of these was that Extraordinary Members of the Council shall be eligible for the Presidency and Vice-Presidency, and seeing that we have always received valuable assistance from these members it is very gratifying to us that their former disability in this respect has now been removed. Another proposal, made in pursuance of the resolution passed by the society in 1907, was that three of the ten members of the Council retiring by rotation at each annual meeting should be ineligible for re-election for one year from the date of their retirement. At the general meeting in April last the Council submitted a new bye-law giving literal effect to the resolution of 1907; but the bye-law as submitted did not commend itself to the meeting, and an amendment was proposed and carried to the effect that if there shall be as many as four "casual vacancies" (*i.e.*, vacancies caused by death or resignation) then only one of the retiring members, or if there shall be three casual vacancies then only two of the retiring members, and if there shall be two casual vacancies then three of the retiring members shall be ineligible for re-election. And thus the matter now stands. By reason of the lamented deaths of five of our colleagues, and the resignation of one other, we had six casual vacancies at this year's election, and consequently none of the retiring members were rendered ineligible under the new bye-law. Personally, I consider this amended bye-law at the least sufficiently drastic, for although I am by no means averse to the periodical infusion into the Council of what has been called "new blood," I can assure you not only that a large degree of continuity in its constitution is desirable for the proper performance of its duties, but also that the mature experience of the senior members is quite invaluable to us, and that they are not less assiduous in their attention to our business than their juniors. And when I tell you that, owing to deaths and resignations, we have now only eleven left out of the forty ordinary members of the Council as constituted for 1899-1900, I think you will agree that under our former regulation the infusion of new blood has been, to say the least of it, fully adequate.

Finance (1909-10) Act, 1910.

You will naturally expect me to make some reference to the Finance (1909-10) Act, 1910, but I do not propose to embark on any detailed examination or criticism of that measure. It will be within your recollection that, whilst the Bill was before Parliament last year, the Council appointed a Committee to consider its provisions, and that the Committee presented two Reports which were subsequently adopted and published by the Council. In those Reports (which appear in the Appendix to our Annual Report) the Committee dealt mainly, indeed almost exclusively, with the four new taxes on Land Values which form Part I. of the Act. The Committee advanced several objections to the proposed taxation on matters of principle, and at the same time made a number of criticisms and suggestions on matters of detail. Between the dates of the two Reports the Mineral Rights duty was entirely recast; and the Committee were able in their Supplemental Report to note with satisfaction that several of their suggestions had been adopted wholly or in part. The amendments introduced did not remove the broad objections to the taxation; but it was felt that, in some respects, they mitigated the hardships and inconveniences of the original proposals. It would be outside the scope of this Address to catalogue the amendments made on points dealt with by the Committee; but by way of illustration, and merely as illustration, I would invite you to contrast the original proposals of the Bill and the actual provisions of the Act with regard to appeals from valuations and to the stamping of documents for increment value duty. We have now, however, to deal with the Act as an Act and not as a Bill; and we already have rather plain indications that the complexity of the provisions of Part I. and the furnishing of the various particulars called for will give rise to questions, both of principle and of procedure, which neither the valuers nor the referees nor the Commissioners will be able to solve authoritatively or satisfactorily without the guidance of judicial interpretation and ruling. In the administration of any taxing Act questions of important principle may and do often arise in cases when the matter in controversy is, from a purely financial point of view, too small to render it worth the while of the taxpayer to risk the costs of litigation with the Revenue. Yet the authoritative solution of those questions will be of the highest importance to the Revenue; and it is a matter for consideration whether, apart from any special arrangements such as are occasionally made, the courts should not have a wide discretion to direct, in proper cases, that the costs shall be paid by the Commissioners, even though successful. Much will depend upon the manner in which the Act is administered, and while due allowance must be made for the position in which the Revenue authorities and their officials are placed by reason of the novel and complex duties cast upon them, I feel that we may not unreasonably hope for more signs than have as yet been outwardly discernible of a determination not to make the new requirements themselves more onerous nor the compliance with them more inconvenient or expensive to landowners and their representatives than is absolutely necessary for the collection of the revenue. You are aware that a few days ago, on the invitation of the Chancellor of the Exchequer, I attended, in my official capacity, a conference which he held with certain professional persons for the purpose of discussing Form IV. We did not bring away with us any promise to modify the Form itself; but I nevertheless hope that the conference may prove not wholly barren of result, for it at all events enabled the Chancellor of the Exchequer to hear the considered criticisms of experts upon the Form, and also we received from him some statements and assurances which we hope to see fully acted upon in practice, and which will, I think, in certain respects and so far as they go, help to simplify the task of filling up the Form. Time does not permit of my giving you any detailed account of what passed at the conference; nor is it necessary for me to do so, as the proceedings were fully reported in the Press. The novelty of the taxes on land values and the importance of the interests affected thereby naturally attracted the largest amount of attention during the general discussion of the Bill; but there are, of course, other provisions in the Act to which a passing reference may be made, such as the large increase of the duties on licensed premises, with its attendant reaction upon the revenues of local authorities; the imposition of a supertax on incomes over £5,000, which, coupled with the extension of the legacy and succession duties to property passing from husband to wife and *vice versâ*, has thrown into strong relief what, at all events since the passing of the Married Women's Property Act (1882), can only be regarded as the anomaly of treating the separate properties of the husband and the wife as one for the purposes of income tax, while for all other purposes they are distinct; the extension from one to three years of the period within which property given *inter vivos* is to be deemed to pass on the death of the donor; and the provisions rendering voluntary conveyances liable to *ad valorem* stamp duty at the same rate as conveyances on sale, which must tend to restrict the ordinary process of resettlements of estates except on the occasion of marriage. Since the passing of the Act the Council have been much occupied in the consideration of numerous questions of practice arising under it which have been submitted by the provincial law societies and individual members of the Society; and although the opinions expressed in answer to these questions cannot at present be treated as necessarily final, the Council thought it right to deal with them at once to the best of their ability, and for the convenience of members generally they are reproduced in a memorandum which has been recently circulated.

Conveyancing Bill.

This Bill, which (as you know) was promoted and has for some time past been persevered with by the society, has recently been passed in the House of Commons and has got through the Second Reading stage in the House of Lords, where it now awaits consideration in Committee on the reassembling of Parliament in November. This result is greatly due to the energy and tact of Mr. J. W. Hills, M.P., a member of the Council, to whom we are under obligation not only for his services in connection with this particular Bill and those others which the Society is promoting, but also for his constant attention in Parliament to all matters concerning our interests. The Conveyancing Bill was introduced for the purpose of amending the Conveyancing Act, 1881, in certain details where amendment or addition has been found desirable: but in order to secure the passage of the Bill in the House of Commons we had to abandon a clause designed to stop the practice which obtains in Cornwall and Devonshire (but not, so far as I know, elsewhere in the country) of obliging the purchaser, by a condition of sale, to employ the vendor's solicitor in connection with the purchase. The Council have always regarded this practice as contrary to the interests and best traditions of the profession, as well as open to criticism on general ground, and such a clause (which is moreover founded upon section 22 of the Scotch Conveyancing Act, 1874) has for some time past appeared in the society's Conveyancing Bills.

Business in the King's Bench Division.

Since our last provincial meeting, the Joint Committee of the two Houses of Parliament appointed to consider and report upon the state of business in the King's Bench Division and whether there should be more judges in that division, have recommended the appointment of two new judges; an Act has been passed giving effect to that recommendation, and the intended appointment of Mr. Horace Avory, K.C., and Mr. Horridge, K.C., has been announced. The evidence placed before the Joint Committee (including that of my predecessor, Mr. W. H. Winterbotham) is published in the Blue Book containing the report. The witnesses were not unanimous as to the necessity for additional judges: some of them considered that the alleged arrears and congestion of business might be overcome by other means and in particular by remodelling the circuit arrangements. That this view was to some extent adopted by the Committee is made evident by their having recommended that the addition should not be permanent unless, after further experience, Parliament should so decide: that it should be made in the first instance on the footing that subsequent vacancies are not to be filled without Parliamentary sanction until the establishment, as it existed before the addition, is again reached; and that meanwhile and without delay certain suggested reforms for the better organization of business in London and on circuit should be considered and, so far as found practicable and desirable, carried out. The importance of these qualifying recommendations has been recognised by the Government, partly in the Act itself and partly in the Prime Minister's statements during the debate on the Bill. We have his assurance that steps are now actually under consideration for the better arrangement and employment of judicial time in the King's Bench Division; and I suggest that our wisest course for the present will be to follow his own advice on a recent occasion, and "wait and see." Moreover such observations as I could make would be mainly repetition from the recent report of our Legal Procedure Committee on "Remodelling of the Circuit System" (which appears in the appendix to our last annual report), from the debate in the House of Commons on the 5th of July last on the Supreme Court of Judicature Bill, and from a leading article on "The Outlook of the Courts" in the *Times* of 26th July last, in which the efforts of this Society are commented upon in an appreciative spirit.

Land Transfer.

The Royal Commission has completed the taking of evidence; but as its Report has not yet been issued I prefer to treat the matter as *sub judice;* and I therefore abstain from discussing it. The lamented death of Mr. Pennington has confirmed the justice of our complaint that we solicitors, who have necessarily more practical acquaintance with the subject than any other class, should have been represented on the Commission by a single member only; and the most we can now hope for is that any views which Mr. Pennington may have formed are known to his colleagues, and that some effect will be given to them in the Report. The Reports of the Royal Commission on Registration of Title in Scotland (which was appointed in 1906) have quite recently been issued. There are four separate Reports, which it is difficult to briefly summarise with accuracy; but I believe those of you who have studied them will have found that the Chairman, Lord Dunedin, in whose Report two other Commissioners (both Writers to the Signet) join, does not recommend Registration of Title for Scotland, though he suggests its being tried in a limited area by way of an experiment only; that the other Commissioners (including Mr. Brickdale) either favour or do not object to the system, and propose its first being introduced in a limited area, not by way of experiment but as the definite initiation of a gradual process of extending it to the whole of Scotland; that all are of opinion that if a system of registration of title is to be adopted for Scotland it should be one of absolute, as distinguished from possessory or provisional, title; and that all recommend, independently of the question of registration of title, an attempt to amend and improve the present system of conveyancing in Scotland. This appears to me to be the substance of the reports; but, so far as I am at present able to judge, I think it will be found that owing to the material differences which exist between the nature and incidents of English and Scotch tenures and between the English and Scotch conveyancing systems, these reports are inapplicable, at all events in any general sense, to the subject of compulsory registration of title in England; and the Commissioners themselves have advisedly abstained from any expression of opinion on that subject.

International Law Association.

This association has recently held in London its twenty-sixth Conference, and the members, including many distinguished English and foreign judges and lawyers, were entertained by the council, on behalf of the society, at a dinner in our hall. I know that the invitation was much appreciated by your guests, and I believe you will approve of the society having contributed its part to the hospitable reception accorded in London to the visitors.

Membership of the Society.

It is gratifying to be able to tell you that at the beginning of this present month the number of members of the society was 9,050, as compared with 8,772 on the corresponding date in last year—an increase of 278. It behoves us all to use our efforts towards making this increase progressive, and in this connection I would mention the not infrequent occurrence that where a firm consists of two or more partners, one of them only is a member of the society. I venture to think that this should not be so. We are a society of individuals and not of firms, and I ask those of us having partners who are not already members to consider the matter in the light in which it presents itself to me, and to exhort them to join the society. There are some other subjects which would have found an appropriate place in this address; but we have several interesting papers to hear and discuss, and I have already taken more than my due share of the time at our disposal. I therefore now conclude by reminding you that any views I have expressed are, unless otherwise stated, my own and not necessarily those of the Council, and by tendering to the members of the society my thanks for the honour they have done me in electing me their President for this year.

The Land Transfer Act.

Mr. J. S. Rubinstein (London) observed that he could not understand how this question could be said to be *sub judice,* inasmuch as those who were seeking to force the system upon the community lost no opportunity of pushing it. He moved: "With regard to the scheme foreshadowed by the Chancellor of the Exchequer for establishing local registries of title throughout the kingdom, this meeting resolves: (*a*) That the scheme if carried out will necessitate additional buildings and an additional army of officials, thereby adding another burden to the ever-increasing number the taxpayer is called upon to bear. (*b*) That the reports of the Scotch Royal Commission on Registration of Title, issued last month, not only prove conclusively that the claims made by the registry officials that the system of registry of title is simple, safe, and cheap are wholly unfounded, but prove the contrary, and completely justify the opposition made to the further extension of the system in England, where the conditions of land tenure are far less favourable for the operation of the system than are the conditions that exist in Scotland. (*c*) That the experimental trial for the last ten years of compulsory registration of title in the county of London has demonstrated the fact that the system is, in its working here, complicated, dangerous, and expensive. (*d*) That in view of the burden the system entails on property owners in London, the Council is recommended to consider the expediency of taking immediate steps to induce the Privy Council to act on the power they possess and rescind the Order applying compulsory registration to the county of London." He said that buildings had been erected in London at a cost of £250,000, and if the system was extended all over the country it would mean the erection of many such buildings, and the expense would be increased twenty-fold. In the London building there were 200 or 250 officials, involving an expenditure of £50,000 or £60,000 a year to keep the system going.

The President remarked, with regard to sub-section (*d*) of his motion, that Mr. Rubinstein had brought a similar resolution forward on several previous occasions in general meeting, and the resolution in each case had been withdrawn; upon the last occasion, during the present year, upon the representation that, however desirable it might be to act in accordance with it, the society could not ask the Privy Council to do what was suggested whilst they were waiting for the Report of the Royal Commission.

Mr. Rubinstein replied that the resolution was simply in the form of a recommendation to the Council. Things had changed since he brought the matter forward at the last provincial meeting. Owing to the death of Mr. Pennington, the solicitor branch of the profession was not represented upon the commission, and solicitors were the only people who knew anything about the subject.

Mr. J. H. Cooke (Winsford), in seconding the motion, remarked that as there was now no solicitor on the commission, some such resolution was the only method by which the solicitors could express their views.

Mr. John W. Martin (Reading) thought that if it was possible to have a solicitor upon the commission, one should certainly be nominated in place of the late Mr. Pennington.

Mr. J. W. Budd (member of the Council, London) said it would be difficult to suggest that a solicitor should be put on the commission who had not heard the evidence which had been brought before it. Even if the Council asked for it, it would not be granted. He very much wished that more members of the solicitor branch were on the commission, but that did not seem to be practicable.

Mr. Robert Ellet (member of the Council, Cirencester) thought that the present was not the right moment to take any such steps as were suggested. The society at various meetings throughout a series of years had asked for an inquiry into the working of the experimental system in London. No one could doubt that the commission had had before it ample and able evidence on both sides, and they had the material for forming an opinion. It would be really indicating that the society had no faith in their own case if they said they were not willing to wait for the report of an impartial tribunal which had been appointed at their own instigation. No doubt solicitors wished for better representation on the commission; the only difference was as to the exact time of action. With regard to sub-section (*b*) the document referred to was in the hands of the English Royal Commission, and it must be concluded that they would give due weight to the report of the Scotch commissioners. As to sub-section (*c*), the Council had repeated that opinion by the evidence of witnesses almost without number before the Royal Commission. He thought it would be wise if the whole of the resolutions were withdrawn.

Mr. A. Barlow (Nottingham) moved to proceed to the next business, and the motion was carried, 56 votes being given in its favour and 38 against.

Mr. Rubinstein asked for a division, but

The PRESIDENT ruled that the vote had decided the matter.

Mr. RUBINSTEIN then moved: "That, having regard to the views recently expressed by Mr. Lloyd George in Parliament and elsewhere imputing unworthy motives to solicitors with reference to their attitude in opposing legislation, which, however much desired by politicians, is only calculated to extend and endow officialdom at the expense of the taxpayer, and having regard also to the resolution of protest passed at the meeting of the society held on the 8th of July last, this meeting desires to record its view that the society cannot with dignity retain the portrait of Mr. Lloyd George presented to the society last year."

Mr. C. E. LONGMORE (member of the Council, Hertford), rising upon a point of order, asked how this matter arose out of the President's address?

The PRESIDENT said he did not think it arose out of it at all. He ruled it out of order.

PUBLIC TRUSTEE.

Mr. R. S. TAYLOR (member of the Council, London) said that it would probably be much more economical to employ a custodian trustee rather than the Public Trustee. All the portions of the Public Trustee Act which dealt with the Custodian Trustee formed a portion of the Bill which the society submitted to the Government some years ago. In point of fact, they were the suggestions of the Council.

THE NEXT MEETING.

Mr. HENRY CREWDSON (President of the Nottingham Incorporated Law Society) gave the society a cordial invitation to Nottingham for the meeting in 1911. It would then be twenty-one years since the society had been there, the last provincial meeting there having been held in 1890. Sir Edward Fraser, who was a member of the Council of the Law Society, would then be the president of the Nottingham Society, and it was rumoured that he would also hold the office of mayor.

The PRESIDENT said he had no doubt the Council would very gladly accept the invitation, which would have to be laid before them formally.

Mr. BOURCHIER F. HAWKSLEY (London) read a paper on

THE COMPANY DIRECTOR.

After some preliminary observations, Mr. Hawksley said: In my judgment, there is no more responsible work thrust upon men of our profession than that which comes in connection with the establishment of a new company, formed, it may be, to take over and extend a going concern, or to inaugurate a new business to acquire and work, say, a patented invention, or a coal or a gold mine, or a colonial or foreign estate, or, say, a so-called rubber plantation. These are cases we become familiar with in the everyday work of our profession. They are an endless cause of anxiety, for we are credited with knowledge outside our province, and which we do not possess, and debited with failure resulting from the ignorance. Sir Francis Palmer, in those masterly treatises, hand-books, and legal companions of which a thirsting public—legal and lay—demands new editions every year, tells us that capital representing more than two thousand five hundred millions in shares, debentures, and debenture stock is invested in joint-stock companies. The figures stagger one—indeed, it is difficult to grasp what twenty-five hundred millions means. Think of three or four times the amount of the National Debt! Those who control and administer these colossal sums are called directors. The office of a director is one of responsibility and honour, as has been vouched by Mr. Balfour in the House of Commons. What qualifies a man for this commanding and exalted position? Who can tell? An almost superhuman intellect? A genius for organization and devolution? A master of finance, figures, and languages? A leader of men? A man of the world? A possessor of a noble lineage or social distinction? Or is the qualification the power to add colour to the picture forming the front page of a prospectus, to attract the ever cautious and never speculative investor? Or is it greed of fees, or desire to kill time, or ambition to augment a slender income? I cannot answer my own question. Just as there are companies and companies, so I say there are directors and directors. There are men who are sought after as directors, and there are men who seek to become directors, men who seek the honour, men who have the honour thrust upon them—in all cases men with some or none of the qualifications suggested. The weak spot in the ordinary joint-stock company is undoubtedly that its management must of necessity be by deputy—that is, by directors or those in the position of directors. Sir Francis Palmer recognises and points this out, but, oddly enough, only negatively, when urging the advantages of the private company, with which we are not dealing to-day. The directors of a company rarely hold more than a small proportion of the shares of the company—it is probably only one of many enterprises in which they are engaged—and it is obvious that they exert themselves much less than if the capital they controlled were their own. Thus, Sir Francis Palmer argues, in order to show by contrast that a private company does not labour under this disadvantage, the shareholders manage the business and trade with their own money. If profits are made, they pocket them; if losses occur, they must be met out of assets which they have personally supplied. This is all very pretty, but in the case of a public company the argument does not hold good. Some two-thirds of the whole of the companies registered are public companies; only the other third are in reality private companies, and the greater number of these were, of course, formed before statutory recognition was given to the distinction between public and private. In the formation of new public companies such as we are particularly considering this weak spot is appallingly apparent, and is the root of much evil. Such companies are formed for the acquisition of gain, to be obtained, it is hoped, by the success of their operations, and the public is invited to participate and embark in the undertaking or adventure, and risk what it cares to risk, protected by limited liability from losing all. Observe, it is in order that the public may be attracted to the adventure, and that public money may be risked in the undertaking, that its operations are conducted through the machinery of a joint-stock company. If the public is incredulous, and fails to respond, well, the adventure is abandoned and the world is the poorer, alas! But why should you or I, why should what we call the public, respond to this invitation, and entrust our money to the care of others? Because we persuade ourselves to believe, or pretend we believe, in the competency of those managing the undertaking—that is, in the directors. What ground or authority is there for this confidence? On the other hand, what can induce a man with some or all, or none of the qualifications I have already indicated, to occupy himself with the management and direction of the undertaking in which you have embarked or contemplate embarking, or, if you like, desire to risk your capital? Why should he take the trouble to make profit or loss for you with all the attendant responsibility and risk to himself? Why should he invite you—the public—to take a share in the undertaking he directs? Reply, he is rewarded by what we call directors' remuneration. Heaven help him! More kicks than thanks. A few beggarly guineas while the business is successful; a brutal demand that he shall forego even these should failure attend the company. I marvel that men become directors—yet we find men to-day elated by the anticipatory joys of the director to be, only to be depressed to-morrow by the repentant sorrows of the director in being. I have entitled this little paper "The Company Director," a subject on which a fair-sized volume might well be written. I can hardly touch the fringe, and that in but one aspect. You know the common procedure when a man wants to "turn his business into a company," to use the hack phrase—in reality to sell his business—or wants to exploit an invention, or a territory in which he has rights. Money is required to pay for the rights acquired and for the carrying on of the company's business. The owner of the business or other asset goes to his solicitor, from whom no doubt he receives sound advice, including, if the solicitor does his duty, an intimation that it is no part of the duty of a solicitor to assist him either in raising the requisite money or in obtaining directors. The familiar figure, the promoter, then appears upon the scene. He has no permanent interest in the undertaking; his business being to find the requisite money, and directors to associate themselves with his principal, the vendor, in the management and control of the undertaking. Once the company is started—"floated" is the customary and quite expressive term—his work is done, and he is not concerned with or interested in the ultimate success or failure of the company he has been instrumental in giving to the world. His remuneration is probably a commission; sometimes large, sometimes small, sometimes fixed, sometimes dependent on results, and taking the shape of what is, in fact, a share of profits. He prepares a skeleton prospectus, and takes it round among his business connections and friends, and perhaps proposes underwriting arrangements and offers various inducements, including the prospect of a seat on the Board of the intended company to any who may assist in raising capital. The promoter it is who takes the initial risk—the risk of failure—and has to be responsible for the printers' charges, the stamp duties, and, if the lawyer were not too busy to look after himself, the law charges also. He it is who wears out himself as well as his shoes in running all over the place seeking whom he may devour, in other words seeking directors and other officials for the company, including sometimes underwriters and generally what he calls "the solicitor to the company." He it is who prepares endless editions of the prospectus which when finally settled, front page and all, is presented to the public by the puff preliminary. The director-to-be takes none of these initial risks. He thinks, poor man, he takes no risk, while from the moment when he joyfully signs the prospectus for filing with the Registrar of Joint Stock Companies, if not before, he is entering upon a career involving risks to which the wisest of us can see no end. I have mentioned "the solicitor to the company." How is his name taken in vain by the promoter! Can you be surprised when I mention our anxieties? It is to the "solicitor to the company" the would-be director is referred by the ubiquitous promoter. He comes to your office and tells you he is to be a director of a company of which he has been told you are to be the solicitor, and says he supposes you know and have seen that all is right, and so he is satisfied. He is mainly interested in the provisions as to the qualification and remuneration of the directors. He is wholly ignorant of the meaning of fiduciary relation, he has heard of breach of trust, but knows nothing of misfeasance or the danger of "making a market." He cannot see why when he invites and solicits people to subscribe to the capital of his company he should disclose all material facts, because he is in reality seeking a partner—a limited partner—to participate in the joys and sorrows of his undertaking. He rather thinks he is to the subscriber of shares in the relation of buyer and seller, and that as seller he is at arm's length with the buyer. As to the hundred and one penalties he may incur under the Companies Act, he knows little; the officials must see to that. I would pray you understand I am not casting a slight on those who become, or seek to become, directors; the inadequacy of the remuneration is the stumbling-block. If the duties and responsibilities of a director are to be adequately appreciated and performed, the basis of his remuneration must be radically altered, or the common form of machinery for the conduct of the affairs of the

class of company we are considering must be radically altered, and the honour of the company safeguarded by the appointment of permanent officials, such as managers or managing directors, paid to give their exclusive time, and not a mere general supervision so shared with others that what is everybody's business becomes nobody's. There is one point arising out of a practice that has sprung up since the recent Companies Act to which I desire to refer. It directly affects directors. The object of the Act is to secure that investors shall have full disclosure. Promoters fear that with such full disclosure investors will not interest themselves in the shares. To avoid this full disclosure promoters, in addition to getting all the vendor's fully-paid shares, subscribe for all the working capital and no offer is made to the public and no prospectus is issued. The company meanwhile files a statement in lieu of prospectus, and obtains a certificate entitling it to commence business. The promoters then, in order to get the company and its capital talked about, publish "Particulars for information"—not a prospectus. They then instruct brokers and jobbers to inquire about the shares and give them authority to sell at a price, generally also giving options to buy at varying prices. Not infrequently the promoters authorise purchases of shares at varying prices in order to support the market and prevent a decline in prices when many shares are for sale. This is dangerously near "making a market." The men in the House talk and dealings take place in the shares, both vendor's and subscribed, for special settlement, which is applied for and obtained from the Stock Exchange without difficulty. By these means the promoters unload both the vendor's and subscribed shares, and the ultimate buyers—*i.e.*, the public—are landed with the shares without having been given the disclosure which the statute contemplates, and which, if given, might have interfered with the market operations, as disinclining the public to buy. The Stock Exchange Committee should refuse to recognise any dealings in shares thus brought on the market and decline to fix a settling day. If a time limit were fixed and all dealings before its expiration declared void, and therefore no settlement granted, some remedy would be afforded. While conditions remain as at present I shall continue to urge those who come into the City seeking directorships to return home and never come east of Temple Bar.

Mr. J. W. Budd (member of the Council, London) made some remarks with reference to the subject.

Mr. Samuel Garrett (member of the Council, London) read a paper on

THE CODIFICATION OF ENGLISH LAW.

I desire by this paper to draw the attention of the meeting to a question of great practical moment to all practitioners, and also of great scientific interest to all, whether laymen or lawyers, who take an intelligent view of the legal system under which we live. It is a question which many members of the society have doubtless considered before, but in view of certain recent legislative experiments and attempts, I do not think it will be a waste of time for this meeting to devote a few minutes to its further consideration. The question to which I refer is: How far ought codification of English law to go? Should further efforts at codification of that law be encouraged or discouraged, be welcomed or looked at with jealousy? First, in order to avoid misunderstanding, let me define what I mean by codification. The word is capable of two different meanings. It may mean the reduction into an orderly and logical form of laws previously written in the form of statutes. The statute law on many subjects is, as we know to our cost, ill-arranged and disjointed. The Acts of Parliament dealing with any particular subject may be enacted over a series of years as amendments in the law appear necessary from time to time. The result is often a crude and ill-digested mass of legislation which has to be dug out of the Statute Book with infinite pains and labour, and when found is, in consequence of want of cohesion and arrangement, barely intelligible. The reduction of such a monstrous chaos into a single orderly and well-arranged Act is in one sense of the word "codification." Codes of this kind are very familiar to us—such as the Merchant Shipping Act, 1894, the Companies (Consolidation) Act, 1908, and many others. Of such codes, if well drawn, the more we have the better. We must have a considerable body of statute law, and the more logical, concise, and systematic the form of that statute law the better for everybody, and especially for us practitioners who suffer so severely from ill-drawn, ill-arranged, and ill-expressed statutes. But it is not in that limited sense that I use the word. The word "codification" was coined by Bentham to express a far more comprehensive operation than merely the rearrangement of existing statute law. What he meant by codification was the expression in writing, that is in statute, of all law whether previously written or unwritten. He thought it was essential to the well-being of every political state that it should be provided with an all comprehensive body of written law, and that it was a practical scheme that our own country should be provided with such a body of written law. He ascribed the aversion with which the idea was received to those whom he dubbed the "corruptionists" or knaves, composed chiefly of the lawyer class to whose "sinister interest it is, or is believed to be, conducive that the rule of action should be kept in the completest state of uncertainty and confusion possible"; and he pictured to himself a time when, under his all-comprehensive code, "seldom would there be any such question as a question of law, never any other question of law than a question concerning the import of this or that portion of the existing text of the really existing law." Bentham was a great man, and his name should ever be mentioned in an assembly of Englishmen, and most of all in an assembly of English lawyers, with respect and even veneration. But he had the defects of his qualities, and he was a man of ideas rather than a man of action. He was the son of one successful City solicitor and the grandson of another, and it might have been expected that he would have inherited some practical ability. But luckily for posterity that expectation was not fulfilled. He did not inherit the aptitude for affairs which might have made him a successful Chancery barrister or judge, but which, for that very reason, by involving him in the turmoil of active life, would have prevented him from devoting his days to those studies in philosophy and jurisprudence to which the world owes so much. We must therefore not allow our veneration for a great name to obscure the fact that his schemes of legal reform (as his friend Brougham said of one of his schemes of parliamentary reform) dealt rather with books than with men, and when they come to be applied to the practical affairs of life require very careful examination and even criticism and correction. His followers and disciples of recent years have admitted this in regard to codification. They do not now advocate the immediate enactment of an all-comprehensive body of written law, at any rate for this country. They recognise the impracticability of any such scheme. In lieu thereof, they content themselves with advocating that particular branches of our law, hitherto unwritten or mainly unwritten, should be taken in hand one by one and reduced to writing in the form of statutes, with a view, no doubt, of ultimately forming part of an all-complete code. They have been so far successful that within the past twenty-eight years four statutes have been passed, codifying particular branches of our law previously unwritten, viz., the Bills of Exchange Act, 1882, the Partnership Act, 1890, the Sale of Goods Act, 1893, and the Marine Insurance Act, 1906. The question which I wish to ask you to consider with me is whether this process should be extended to other branches of law till perhaps ultimately something approaching Bentham's dream of an all-comprehensive system of written law is realised. I say no. I do not go so far as to say that there are no branches of English law remaining unwritten which might not be usefully codified, though I cannot at the moment think of any. But I dispute altogether the general proposition that it is necessarily a desirable thing that any law, at present unwritten, should be reduced to writing or that it is an evil thing that law should be unwritten. I think that the burden of proof is on the codifiers, and if in future they propose to codify any branch of the unwritten law I hope they will not be allowed to do so until they have demonstrated to the satisfaction, not of the politicians, but of the public and the profession, the utility of their project. I even venture to say that *primâ facie* further codification is undesirable, and that anyone who advocates its application to any branch of law at present unwritten should be called upon to justify his opinion before he is listened to. The arguments of our codifiers are very familiar. They say the substance of our law is fairly satisfactory, but its form is chaotic. If one of them aspires to codify any particular branch of unwritten law he points to the leading text-book on the subject containing so many hundred pages and referring to so many thousand cases. Then he says: "Hey, presto, pass! I come along with my code and I reduce this chaotic mass of ill-arranged law into a neat little statute of so many sections, and in future when anyone, layman or lawyer, wants to know what the law is on this subject, all he will have to do will be to look at my code." In fact, he says with Bentham, "There will never be any other question of law than a question as to the import of this or that portion of the text of my code." I propose to show that this claim is wholly unfounded; that no code ever did or ever can express the whole law on the subject with which it deals; that any code, howsoever skilfully drawn, frequently fails, and must frequently fail, to express accurately or fully even the part of the law which it professes and is intended to express; and, lastly, that even if it were possible to express the whole existing law on any subject in a code it would as a rule be very undesirable to do so. English law is not an inert inorganic mass. It is a living organism, growing and expanding with the needs of the times. Anything which fetters that growth and development is an evil. Codes necessarily have that effect. Indeed, they are intended to have that effect. Codifiers are fond of appealing to the experience of foreign countries, and especially to that of France, and to the effect of the Code Napoléon. I resent this appeal; for a legal system may be very beneficial to a foreign country and in accord with its genius and the character and the habits of its people, while the same system applied to England may be very harmful and out of harmony with the genius and character of our people. I believe that if the history and genesis of foreign codes were traced, it would be found that in every case the code had its origin in local necessities and political circumstances which are not our necessities or our circumstances, and which therefore prevent the code being invoked as a precedent which we should follow. It was certainly so in France with the Code Napoléon. After the Revolution, when Napoleon was evolving order out of chaos, he found a different law prevailing in every department in France, so that, as Voltaire said, a traveller in France in those days changed his law as often as he changed his horses. Unification which was necessary could only be produced by a written code applicable to the whole country, and Napoleon accordingly ordered his jurists to sit down and produce a code, which they did in four months. It would be easy to show that the Indian code, the Prussian code, and I believe all other codes, had their origin, not in identical, but in similar circumstances. Why these codes originating out of such circumstances or misfortunes should be used as an argument for us, who are pressed by no such circumstances or misfortunes, to codify our law is more than I can understand. The

case of France is, however, instructive from another point of view. The general effect of a code is to produce a kind of legislative stagnation. A code is based upon the view that the law, or the branch of the law to which it is applied, has reached its culmination, at any rate in its main principles. A code, therefore, necessarily becomes invested with a sort of legal sanctity which makes any change or reform very difficult. France is the land of revolution: England is supposed to be the home of conservatism and unchangeableness. The Code Napoléon was enacted in France, the home of revolution, in 1804, and its fundamental provisions remain to a great extent unaltered to this day. In England, the home of conservatism, the growth and expansion of the law since 1804 have been such that it is no exaggeration to say that, whether one looks at the statute book or at the unwritten judge-made law, there is no part of the law which since that date has not been radically changed and reformed. In 1804 Bentham was alive and was at or near the zenith of his powers. One shudders to think what would have been the result if he had had his way and had embodied the whole law of England, as it then existed, in a code which would have become as sacrosanct and as difficult to alter as the Code Napoléon; what enormities would have been perpetuated, and what reforms (a large number of which we owe to Bentham himself and to the spirit which he breathed into his contemporaries and bequeathed to his successors) would have been impeded and indefinitely delayed if not definitely defeated! But these are generalities, and we know that *in generalibus latet dolus*. Let me descend to particulars which will illustrate my argument. I propose first to take a branch of the law very familiar to all of us (the more familiar the better for my purpose), viz., the law of married women's property, and to show how fatal codification would have been in the past at any stage to the development of that law, and how fatal codification would be now to its further development. Next, I shall refer to some of the recent codes which are now on the statute book, and I shall illustrate from them the inherent weaknesses of codification and the impediments and difficulties which it produces. We all remember the Common Law principle enunciated by Blackstone that "by marriage the husband and wife are one person in law; that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband." The logical corollary, as regards property, of this doctrine was that, speaking generally and disregarding exceptions for this purpose immaterial, marriage operated as an assignment of the wife's property to the husband. That was, and is, the Common Law. The husband and wife are one, and the husband is that one. The husband could at Common Law legally say to the wife, "What is yours is mine, and what is mine is my own." In these days one is almost ashamed to state this Common Law doctrine in its crude barbarity, and one hastens with relief to remind oneself that for centuries the Court of Chancery endeavoured, and endeavoured successfully, by judge-made unwritten law to enable a married woman to hold property independently of her husband. The judges invented the law of trusts and the doctrine of separate use to mitigate the monstrosities of the Common Law, and ultimately, at the end of the eighteenth century, one of the most eminent of their number (Lord Thurlow) added the invention of the clause against anticipation, which speedily received judicial sanction and so became part of the law of the land. But the rights thus conferred on married women could only be conferred by settlement, and as the vast majority of married women had no settlement, they remained, down to 1870, subject to the barbarous Common Law doctrine which I have enunciated. Then, in 1870, began the series of Married Women's Property Acts resulting in the Acts 1882 to 1908, the short effect of which is to confer upon wives who have no settlements rights corresponding to those which wives of the wealthier classes were in the habit, with the assistance of judge-made unwritten law, of acquiring by settlement. But be it observed that these Acts presuppose the existence of, and leave untouched, the law of trusts and of separate use which had been judicially created, and this law remains, since the Acts as before, part of the unwritten law, the result of judicial decisions, of inestimable benefit to the social life of the country. Now I venture to ask our codifiers, at what stage in the history of the law of Married Women's Property, which I have thus hastily sketched, would it have been beneficial to reduce the law for the time being on the subject into a code? At what stage would not such a code have been an impediment to the development of the law which has since taken place? If the suggested codification had taken place in the days of Blackstone the barbarous Common Law doctrine, which he prepounds with such unction, would have been sanctioned by statute and would have prevented the Court of Chancery from creating and developing by judicial decision the law of trusts and of separate use which is largely the foundation of our domestic life so far as rights of property are concerned. If it had taken place when Bentham was a young man, it would have prevented Lord Thurlow's invention of the clause against anticipation receiving judicial sanction. If it had taken place in the nineteenth century before 1870 it would have been used as an obstruction to the passing of the Married Women's Property Acts, the first of which was enacted in that year. I say that at no point would a code containing the whole law on the subject of married women's property have been anything but a nuisance and an impediment to the improvement and development of the law which have taken place. But it may be said that, even if this be so, the law on the subject has now at any rate reached a stage at which it can usefully be codified. I entirely deny it. A code now would be as great an obstruction to future reforms as a code in the past would have been to the reforms which have been effected. If it could be shown that the law had reached its culminating point, that it would never need further improvement, would never be capable of further development, then indeed it might be useful and convenient to codify it. But if there is any branch of law of which this can be said (which I question), it certainly cannot be said of the law of Married Women's Property. The fact is that we are only at the beginning of the discussion on the subject. If anyone doubts this, let him read the remarkable series of Bills, which have been entitled the Women's Charter, recently introduced into Parliament by a well-known Member. One of the Bills comprising this so-called charter is a Bill "to amend the law relating to the succession of property and to the earnings and property of married women." It contains some very novel, not to say startling, proposals. It is seriously put forward by serious people, and will have to be discussed and considered. I have myself little doubt that our grandchildren will see a state of the law on this subject as different from our present law as our present law is different from the law which once prevailed, under which a man might lawfully castigate his wife so long as he did not use a stick thicker than his little finger and the castigation was "reasonable," by which I suppose was meant proportionate to the offence. The reforms of the future, whether or not they proceed upon the lines of the Women's Charter, will be gradual and slow, in accordance with our English wont, and will be adopted only after long discussion. This discussion should be free and unfettered by any code which would invest with statutory sanctity principles and doctrines which at present rest only on tradition and judicial decision. A recent attempt at codification, happily unsuccessful, may here be mentioned. In the last Parliament, some six or seven gentlemen, including members of both branches of the profession, sought to attain immortality by codifying the law of trusts, and a Bill was introduced for that purpose. At our provincial meeting at Newcastle last year we had the advantage of hearing a paper by Dr. Hart on the Bill, for which he had a fondness, possibly parental in its origin. In that paper Dr. Hart, with great candour, told us how this ill-starred Bill met with its happy despatch. In a rash moment its promoters invoked for it the blessing of the men who, of all others, are fitted to pass judgment upon it—viz., the judges of the Chancery Division. From that quarter, instead of blessing, curses assailed the proposal. One of the judges said that such an Act would seriously interfere with the administration of justice in the Chancery Division, adding that "it appears obvious that equity, which to a very large extent owes its origin to exceptions from Common Law rules of universal application, is that branch of law which is least susceptible of codification, or, in other words, of being itself reduced to a series of rules of universal application." Another judge replied to the same effect, and with such vigour that the Bill was consigned to the limbo from which it is most devoutly to be hoped that it will never emerge. Unfortunately, the Council of this society expressed approval of this Bill. I accept my share of the responsibility for that approval, but I am free to confess that I am very far from proud of it. The reason given for the approval was the very inadequate one, as I venture to think it, that "codification of the law of trusts would be a great convenience to the profession as a whole, as providing them with an authoritative text-book for reference in their daily practice!" My principal object in writing this paper is, by calling attention to the subject, to secure that any future attempts at codification shall receive fuller discussion and consideration at the hands of the society and the Council than did the now happily defunct Bill for codifying the law of trusts. Next, I should like to refer to the codes now on the Statute Book, as illustrative of the inherent difficulties and dangers of codification. Time will not permit of a reference to all the four codifying Acts already mentioned, but I will take one only, the latest, the Marine Insurance Act, 1906. That Act was on the stocks for something like ten years. It originated, if I recollect aright, during the Chancellorship of Lord Herschell, who took a great interest in it. The Bill was submitted to all the most eminent experts on the subject, was under revision and discussion for years, and was finally settled, it is understood, by the most successful of our codifiers, Sir M. Chalmers. It dealt with an entirely non-controversial subject which roused no political passion or prejudice. It therefore came into being under most favourable circumstances, and if success could ever be predicated for an experiment in codification it might have been predicated here. Yet I speak from personal experience when I say that the Act, so far as it has any effect at all, is an obstruction and a nuisance, and that we should be better off without it. Here again let me give particulars. Section 60 of the Act defines a "constructive total loss," a matter of very frequent discussion and dispute. The ink of the Act was hardly dry on the Parliament roll before the House of Lords decided in a case arising under a policy issued before the Act, and therefore not governed by it, that the law was not that which the Act had, if its language is to be read in the ordinary sense, declared it to be. The decision was to the effect that in estimating whether the ship is a "constructive total loss," the shipowner is entitled to add the value of the wreck to the cost of recovery and repair, and that if the two together exceed the repaired value then there is a constructive total loss. The Act says nothing about the value of the wreck, and mentions only the cost of recovery. Consequently, the whole subject is plunged into confusion, and will remain there until some unhappy underwriter and shipowner have made another expedition to the House of Lords, at a cost perhaps of some thousands of pounds, to ascertain whether the language of the Act can be twisted into a meaning consistent with that which the House, by its previous decision, has declared to be the law. This confusion is entirely the creation of the code. Again, by section 29 the Act expresses, or is intended to express, the judicially recognised

rule that on a floating policy goods must be declared in order of shipment. A perfectly wholesome and sound rule, as applied to the cases to which the custom sanctioned by the Courts applied it, but a rule capable of working injustice and inconvenience if universally applied by Act of Parliament, as the following instance, which has occurred within my own experience, shows. A merchant enters into a series of c.i.f. contracts of purchase. He wishes to insure his profit on those contracts, that is, if at the time when the goods are declared to him by his vendors the market value is higher than the contract price, he wishes to insure the surplus so as to secure his profit. He opens a floating policy for this purpose, and declares upon the policy his profit on the goods in the order in which the goods are declared to him by his vendors. But that order may be, indeed generally is, very different from the order in which the goods are shipped. Here he is at once brought into conflict with the code, which provides that he must declare in order of shipment, whereas it is impossible for him so to declare because the goods are declared to him in a different order. If there had been no code, there can be no doubt that the Courts would have adjusted their decision of the case in accordance with common sense, and would have held that the earlier decisions, now incorporated in the code, applied only in circumstances similar to those of the cases in which the decisions were pronounced, and that the circumstances of the case under consideration being different, the rule did not apply. But the code lays down the rule as of universal application, and cannot be disregarded. Result, business impeded and injustice done, solely by reason of the existence of the code, which was supposed not to alter but merely to declare the law. Another instance may be given to show how unfounded is the claim that a code prevents litigation and disputes. We practitioners have perpetually under our eyes an all-comprehensive code (to use Bentham's phrase) drawn by experts, whose daily business it is to deal with the matters to which it relates. I refer to the Rules of the Supreme Court, which are a very complete code of civil procedure. This code is the work of the judges, unhampered by Parliament or by criticisms or interference of laymen, and the subject is one which lends itself to codification—indeed, for which codification is a necessity. What is the result? Has this code prevented disputes on matters of procedure? Let Vol. I. of "The Annual Practice for 1910," with its 1,118 closely printed pages and its cited cases, the mere list of which occupies another 262 pages, and which must approach 10,000 in number, give the answer. At least four-fifths of those 1,118 pages are taken up with explanations and comments on the rules and the cases decided thereunder, the other fifth being taken up with the text of the rules themselves. For instance, I find that Order XI., dealing with service out of the jurisdiction, occupies twenty-eight pages, of which a space equal to four pages is occupied by the text of the Order, and the other twenty-four pages by explanations, comments, and the citation of cases which have been decided upon the Order. In the face of instances like these, what becomes of the claim (with which every codifier opens his argument) that a code would dispense with text-books and citation of cases? These instances of the mischief done by codes and of the failure of codes to fulfil the promises made by their authors might be very greatly extended if time permitted. But I have said enough to justify the general indictment which I put forward earlier in this paper. The fact is that our codifiers justify themselves by exaggerating both the excellence of the substance of the law and the chaos of its form. The law needs reform, not in form, but in substance, and I, for one, hope that it will always be so. The increasing complexity of our social and commercial arrangements is always calling for reform in the law to meet our new needs. There is no finality in law. The law is not and never will be complete. Growth and development are of its essence, if it is to fulfil the requirements of a progressive community. That growth and development are fostered best by a system such as ours, in which the law is, in its foundations and principles, found in judicial decisions and customs, not "cribbed, cabined and confined" in the precise language of Acts of Parliament, but capable of automatic adjustment to meet new conditions and circumstances. Under this system the law is partly construed and partly made by the judges, who, as a recent writer in the *Times* said, "are men like ourselves, who move with the times, and are sensibly affected by the ways of looking at things which happen to be in fashion among thoughtful or influential persons. Thus the law is always reflecting the tendencies of the age, and maintains its majestic supremacy because it is based upon the people's will." For these reasons, I hope the day is far distant when Bentham's dream of an all-comprehensive code for this country will be realised; and for these reasons, I suggest that we should look with jealousy upon all further attempts to codify by compartments our unwritten law. I trust that this society will not use its great influence in support of any such attempts, unless and until the utility or necessity of the attempted codification is very clearly demonstrated after full consideration and discussion.

Mr. W. H. Winterbotham (member of the Council, London) thought the paper throughout reasoned upon a fallacy. He could not understand why, because the law was codified, it should be incapable subsequently of improvement and amendment. On the contrary, he believed it would be very much easier to alter the law under codification. He did not think that codification had been a failure so far as it had been tried. He admitted the great ability of the paper, but he did not want it to go forth that the society was opposed to the wise and careful codification of our English law.

Mr. Budd said he agreed with these remarks. He was in favour of codification, and believed that it would facilitate amendment instead of restricting it.

Mr. Hawksley having spoken,

Mr. W. J. Humfrys (Vice-President, Hereford) urged that the law should be brought into a fit condition before codification was attempted. It was at present in a chaotic state. He could not understand starting with a code and having immediately to amend it.

Mr. A. M. Jackson (member of the Council, Hull) said that the public had advocated codification because they thought it would put an end to litigation, and with regard to practitioners the general idea was that it would be much easier to learn the law when it was codified. But he thought that both were mistaken. Books had been written about the Code Napoleon, which were far more voluminous than the code itself.

Mr. Gray Hart (London) said the code would not necessarily prevent the growth of the law. Rather it would assist its development and reform by making plain its defects. Mr. Garrett had given the case away when he admitted the desirability of codification as applied to statute law, for there was no essential distinction between statute and case law. It was a mistake to suppose that it was claimed that codification would wholly prevent litigation. What was aimed at was the expression of the principles and general rules of law in words which should be as clear and precise as possible, and in this way the laymen should be assisted to a better knowledge of their rights and obligations, and that thus the administration of justice by the courts and the legal profession should be aided.

MUNICIPAL GOVERNMENT.

Mr. Edmund J. Taylor (Bristol) read a paper on this subject, which we hope to print hereafter.

LOCAL GOVERNMENT AND TAXATION.

Mr. Thomas Marsden (Blackburn) read a paper, which we hope to print hereafter.

Banquet.

The usual banquet was held in the evening at the Victoria Rooms, the chair being taken by Mr. C. E. Barry (President Bristol Incorporated Law Society). The guests included Sir Edward Fry, Mr. Justice Eve, His Honour Judge Austin, the President and Vice-President of the Law Society, Mr. Ellett, Mr. Beale, Mr. Winterbotham, Mr. C. E. Longmore, Mr. A. Copson Peake, Mr. Milne, Mr. Taylor, Mr. Eggar, Mr. Sharpe, Mr. S. F. Goodall (President Somerset Law Society), Mr. G. H. Charlesworth (President Manchester Law Society), Mr. C. Collins (President Liverpool Law Society), Mr. R. Farmer (President Chester and North Wales Law Society), and Mr. A. Pope (President Dorset Law Society). Mr. Ellett proposed the health of "The Ministers of Religion," the Archdeadon of Bristol responding. The Chairman gave the toast of "The Law Society." The President of the Law Society, in responding, said it was the duty of everyone to strengthen the position and increase the influence of the society by joining its ranks. He hoped they would see a progressive increase in their membership. He found that since the society last met in Bristol the increase in their membership so far as Bristol was concerned had only been 3 or 4 per cent.; that was satisfactory in its way, but it did not go far enough. Mr. Hawksley proposed "The Bench and the Bar," Mr. Justice Eve and His Honour Judge Austin returning thanks, and among the other speakers were Mr. C. H. Morton (member of the Council), Sir Edward Fry, Mr. Winterbotham, Mr. Walter Dowson, Mr. H. G. Vassall (senior vice-president Bristol Incorporated Law Society), and Mr. W. C. H. Cross (Bristol) and Mr. F. J. Press (Bristol) (joint hon. secretaries of the Reception Committee).

Wednesday's Proceedings.

SOME OF THE RECENT REQUIREMENTS OF THE FINANCE ACT, 1910.

Mr. J. H. Cooke (Winsford) read a paper on this subject, in which he said:—

In a brief paper such as this is intended to be, somewhat hurriedly prepared, it is impossible for anyone to deal with the thousand and one perplexing points which necessarily arise in connection with the construction of an absolutely novel and drastic Act of Parliament. My introduction of the subject is more with a view of obtaining the valued criticisms of others upon points which I may refer to, and others which I may overlook, rather than an attempt to grapple with the details which every lawyer must necessarily study for himself. I therefore propose very largely to confine my remarks to a few criticisms upon the observations made by others relating to its practical working, and also to give, with all submission, a few observations, so far as I am able to do so, as to the filling up of the ten million forms which the Chancellor admits have been shot broadside into the homes of the owners, lessees, and tenants in the United Kingdom. Every lawyer knows, or ought to know, that there are four principal duties to be levied under the Act:—(1) Increment value duty, (2) reversion duty, (3) undeveloped land duty, (4) mineral rights duty. Further, it will be remembered that the datum line or low-water mark fixed by the Act is the 30th of April, 1909, being the day after the speech of the Chancellor introducing his Budget of that year. Generally speaking, if the tidal increase in the site value of property exceeds that line, the Chancellor claims his share. There are, however, two notable exceptions in which the datum line may be fixed at a higher level than site value on the 30th of April, 1909, and it is with those two exceptions I propose to deal in the first instance. At the recent Treasury conference held on the 14th of September, 1910, the Chancellor appears, I submit

very respectfully, to have been guilty of a somewhat serious error in giving his version of the datum line in connection with one of those exceptions. At that conference the Chancellor is reported in the *Times* of the 15th of September, 1910, to have made the following remarks: "Supposing a man buys property for £2,000, and there is a slump in the neighbourhood, and down it goes to £1,000; supposing it goes up in five years to £1,500, there would be an increment of £500. In such a case you can go back twenty years and then there is no increment on the original price of the property. . . . Say a property was bought for £3,000 fifteen years ago. There had been a depreciation in real property; down it goes £1,500, and on the date of the valuation it is worth £1,500. In ten years time the property appreciates again, and the man sells it for £2,500: well, that is £500 less than he gave for it, but it is £1,000 more than the valuation: you would naturally say that that should not be charged as increment when he is £500 out of pocket. If the owner can prove that within twenty years he paid more for the property than its value at the date of valuation, he would be entitled to revert back to the purchase money." The Chancellor's statement is no doubt what everybody thought to be a correct statement of the law, and possibly Parliament may have so intended. Let us look, however, at sub-section 3 of section 2. There we find that the Chancellor is entirely wrong. That sub-section reads as follows:—"Where *it is proved* to the commissioners, on an application made for the purpose, within the time fixed by this section that the *site value of any land* at the time of any transfer on sale of the fee simple of the land or of any interest in the land, which took place at any time within twenty years before the 30th of April, 1909, exceeded the original site value of the land as ascertained under this Act, the site value at that time shall be substituted, for the purposes of increment value duty, for the original site value as so ascertained, and the provisions of this part of this Act shall apply accordingly." The Chancellor at the conference most certainly, but perhaps unwittingly, led everyone to believe that the datum line in the cases he cites is the amount of purchase money, whereas the section referred to shows it is not the purchase money or consideration, but the site value. Where the property purchased twenty years ago or since was simply a piece of vacant building land there is no difficulty in finding out the site value; but if the purchase then made consisted of buildings and land, one can imagine the difficulty in ascertaining the site value at that distant period of time. Consideration would have to be given and careful investigation made of the cost of building material twenty years ago, also the cost of labour. Numerous inquiries would be required as to rights of light and way, restrictive covenants, goodwill, etc. Most probably the property was purchased with other premises at one purchase price. The Chancellor, with a simplicity which makes one's mouth water, seems to imagine that there is a separate conveyance for each separate house in the United Kingdom, whereas we know how often we have to insert acknowledgments for production of deeds because of the division of land and premises on subsequent sales. The site value, as it existed twenty years ago or since, would have to be ascertained exactly in the same way as the original site value of the 30th of April, 1909. If one could only deal with the question in the simple way in which the Chancellor placed it before the conference, by taking the increment as the difference in purchase moneys, all difficulties would be removed. It was evidently his desire to prove the simplicity of the whole procedure, but when his illustrations will not bear the scrutiny of careful criticism, and do not agree with the law laid down by the Act, one is obliged to confine one's self to an expression of surprise, and to hope that similar misleading illustrations by the author of the Act will not occur in the future. It is difficult enough to fix the site value some eighteen months ago—viz., on 30th of April, 1909—but it is obviously much more difficult to fix the site value a period of fifteen or twenty years ago. The second notable exception to the datum line fixed by the Act applies in the case of a mortgage of the fee simple executed within the same period of twenty years, and in that case, for the purpose of arriving at the site value, the amount secured by the mortgage is to be deemed the consideration referred to in section 2, sub-section 2 (*a*), subject of course to the deductions which one is entitled to make by the other provisions of the Act. I may now deal with another common error. It is generally supposed that the following minerals, viz.—"common clay, common brick clay, common brick earth, or sand, chalk, limestone or gravel"—are exempt from the provisions of the Act. When, however, we come to consider section 20, sub-section 5, we find that we are mistaken. That sub-section is as follows: "*Mineral rights duty* shall not be charged in respect of common clay, common brick clay, common brick earth, or sand, chalk, limestone or gravel." This shows clearly that those mineral substances are simply exempt from the mineral rights duty prescribed by section 20 of the Act, and that for the other purposes of the Act they are still minerals. Section 25, sub-section 5, shows further that the provisions for arriving at the valuation of the site value are stated not to be applicable for the purpose of the valuation of minerals. Section 23, sub-section 2, states: "For the purposes of valuation all minerals shall be treated as a separate parcel of land, but where the minerals are not comprised in a mining lease or being worked, they shall be treated as having no value as minerals, unless the proprietor of minerals, in his return furnished to the commissioners, specifies the nature of the minerals and his estimate of their capital value." There are, however, few estates which do not contain some one of the mineral substances above referred to which are exempt from the provisions of mineral rights duty, so that if no disclosure or claim is made in respect of the value of common clay, &c., and afterwards the owner began to work the same for the manufacture of bricks, he would, it is submitted, be liable to increment value duty in respect of the working of such minerals; whereas if he makes no claim or does not disclose the fact that he has clay, sand, &c., he may be liable for increased undeveloped land duty because no disclosure has been made, whereas section 16, sub-section 4, expressly states, for the purposes of undeveloped land duty, undeveloped land does not include minerals. The question in Form 4 dealing with minerals is, I submit, best answered as follows: "I understand the following minerals lie under the above property, namely , and I estimate their capital value at a sum between £ and £ , according to whether I can find a willing purchaser." Another point which is exercising the public mind very considerably is the one relating to the best and proper method of dealing with Forms 4 and 7. No doubt a point arises as to whether some of the questions required to be answered can legally be asked, and the man in the street is muttering to himself, "What does it all mean?" Others, with a little more expert knowledge, are revolving over and over again in their minds whether it is advisable to let the commissioners fix the original site value at a high figure and not to trouble about deductions from the total value, or a low figure to avoid prospective legislation, or whether it is wiser to be moderate and cautious. Speaking generally, and from a financial point of view, the opinion I have arrived at, giving due consideration to all that has been said by the authorities on this subject, is that where the property to be assessed is developed land or property built upon, it is advisable to facilitate a high figure being fixed for the original site value, and, even in some cases where it is undeveloped or building land, such a policy may even be expedient. Say a plot of undeveloped building land is worth £1,000, the total amount of undeveloped land duty at ½d. per £ per annum on the capital value is only £2 1s. 8d. per year: whereas if the owner gets the original site value fixed at £500, although worth £1,000, and he subsequently sells at £1,000, the increment would be £500, and the increment value duty payable to the State would be £100, equal to practically fifty years' rental at £2 1s. 8d. per annum, yet if the original site value had been fixed at £1,000, no increment value duty would be payable. On the point of deductions an owner should certainly be advised as to part II. of Form 4 to state that he does intend to claim site value deductions. If he does not make such claim he has to consider the effect of section 12 of the Act, which, printed in large black type on the instructions, is as follows:—"A person shall not be entitled to claim any deduction for the purpose of ascertaining the site value of any land on *any occasion on which increment value duty becomes payable* if the deduction is one which could have been, but was not, claimed for the purpose of ascertaining the original site value of the land." From this it is quite clear, that, if no deductions are claimed now—when the original site value is being fixed, he cannot claim them subsequently when on a transfer on sale or lease or death increment value duty becomes payable. A writer in the *Times* recently placed his construction of that section in this way:—"Suppose A.'s house and land to be worth £5,000 at the time of the original valuation, and also at the time of sale: the house alone being worth say £1,500, leaving £3,500 the site value: on the original valuation the latter sum would be taken by the commissioners as the site value, but on the subsequent sale no claim for deductions having been made, it seems that the whole of the £5,000 would be taken as the site value, thereby making £1,500 liable to increment value duty, although as a fact the property would not have altered in value by one penny." I venture to submit that this is a mistaken view of the Act, although it illustrates very forcibly the danger of not claiming for deductions at the present time, when the original site value is being fixed. Section 25, sub-section 2, appears to shew that the commissioners in arriving at the full site value are bound to allow for the value of buildings, timber, etc., and the cost of divesting the land of the same. By sub-section 4, other deductions may be allowed *if proved*. For instance, sub-section 4: Clause (b) Any part of the total value which is *proved* to the commissioners to be directly attributable to works executed, etc. (c) Any part of the total value which is *proved* to the commissioners to be directly attributable to the appropriation of any land for the purposes of streets, etc. (d) Any part of the total value which is *proved* to the commissioners to be directly attributable to the expenditure of money on the redemption of land tax, enfranchisement of copyholds, or release from restrictive covenants, or goodwill, etc. (e) Any sums which *in the opinion of the commissioners* it would be necessary to expend in order to divest the land of buildings, timber, trees, etc. It will be noticed that (b) (c) and (d) require to be *proved* to the commissioners, so that the applicant for relief in respect of those deductions must make a claim and produce some evidence, whereas in the case of the value of buildings and the cost of divesting the land of buildings, the Act specifically directs they shall be deducted without any proof at all. If therefore the applicant does not claim deductions in respect of (b) (c) and (d) when the original site value is fixed, then he cannot by section 12 on a subsequent sale when increment value duty becomes payable claim in respect of those deductions at all, because he did not make such claim in the first instance. In permitting, or in not objecting to, a high figure for original site value in respect of land which is developed by having been built upon, there seems to be an impression that a high figure may increase the amount to be paid for estate duty on the occasion of death under the Finance Act, 1894. By section 7 of that Act, estate duty is to be estimated on the price which, in the opinion of the commissioners, such property would fetch, if sold in the open market, at the time of the death of the deceased. By

section 62 of the Finance Act 1910, the amount to be paid for increment value duty on death is to be treated as though it were a debt due from the estate, and therefore less estate duty is to be collected by reason of the amount paid for increment value duty. It is therefore submitted as obvious that so far as the legislature has gone at present, original site value and increment value duty have nothing whatever to do with estate duty. Estate duty must, as heretofore, be based upon the value of the property in the open market. There is no rigid datum line for estate duty value the same as there is for increment duty value. I have dealt somewhat cursorily with a very few points out of hundreds of others which will necessarily arise out of the construction of this most perplexing Act. We are not here to discuss the policy of the law. It is our duty as lawyers to carry it out to the best of our ability as long as it remains on the statute book, but one cannot refrain from saying it has already been the occasion of considerable vexation and annoyance to clients. It no doubt will cause great delay and complications in the completion of conveyances, leases, and the winding-up of estates. The Law Society is not, and never has been, opposed to legislation which is beneficial to the community, or which tends to avoid delay and unnecessary cost. The lawyer of to-day wants to get his work through and done with. He wishes his clients to be pleased and contented. Any legislative measure which tends to create unhappiness and discontent on the part of a client is most sincerely regretted by the humblest and poorest member of a noble and hard-working profession. [An appendix to the paper contains correspondence with the Commissioners of Inland Revenue and the District Valuer, which is interesting as never having been published, and deals with the question of the valuation of sporting rights and some other points not touched upon in the paper.]

Mr. ELLETT said that until the judges had determined in many respects what the Act meant, it was impossible to say what the right course of action would be. Discussions of this kind, however interesting, were not likely to be of much practical value. The Act embodied the idea of the House of Commons as to their desire to get some extra taxation out of land, but the machinery by which that was to be effected was obviously knocked up in a hurry, and it was not to be wondered at that they found it practically impossible to make one part of the Act fit in with another. They must not attach too much importance to the gloss put upon the Act by its author. A parent was always proud of his child, and that excused a good deal of the optimism on the part of the Chancellor of the Exchequer; but solicitors had got too near the difficulties to be at all comforted by the glib assurance that it was all sweetly simple. With regard to the position of those who preferred not to deal with Part 2, and not to say anything about their claim for deductions, he did not believe for one moment that the judges would deprive owners of deductions to which, by the Act, they were entitled simply because they had not complied with the instructions of the Inland Revenue as to the period within which they should notify their claim. As to the bearing upon estate duty, there were certain elements of danger, because Somerset House had many departments, and there were various purposes for which a high value put upon a property recorded in one department might be found very useful to the officials, but very detrimental to owners, in another department.

Mr. WINTERBOTHAM asserted that it was the duty of the solicitor to make a straightforward and fair return. A great many conundrums had been put forward which would answer themselves in a little time. It must not be forgotten that before the matter reached the courts there was an authority which could deal with it, not a Government department by any means, and it would, he expected, deal with these particular cases in a way which would be satisfactory to all concerned. He thought there was a tendency to exaggerate the difficulties and to multiply the queries unnecessarily. As chairman of the committee of the Council who had the matter under consideration, he could say that they had felt that in many cases there was no serious question which could not be met. They need not be alarmed. If, however, the Chancellor of the Exchequer made a statement that certain claims would not be made and certain duties would not be paid, and the judges decided he was wrong, he submitted that the Government would be pledged to put the matter right in the next Finance Act.

Mr. RUBINSTEIN thought the simplest plan was to answer as little as possible, and to reserve in all cases the right to deduct site values. It was all very well to say that many of these questions would have to be settled by the judges, but that was cold comfort for the clients. It was their duty if possible to avoid taking their clients into court.

Mr. HUMFRYS (Vice-President) said that he entirely dissented from the doctrine of Mr. Rubinstein. It seemed to him that, however much they disliked the Act, the wisest plan for the profession in the interests of their clients and the community was to accept it, and endeavour to come to some kind of understanding, so that the Act might be made to work. There were members of the society who thought it was possible to get the Act repealed. He did not think so. He thought it possible that if they approached the matter in a wise and prudent spirit they might get some of the more objectionable features modified. But if the profession was to take the attitude that the Act was to be opposed, and that they were to hamper the authorities in every way, he was sure the result would be a very unfortunate one. He was bound to say that in one or two matters that had arisen he had noticed a desire on the part of the authorities to help solicitors. What solicitors had to do was to give in the forms they filled up such information as they could truly and correctly; but he did not think, on the other hand, that they were bound to answer what was more or less hypothetical. The right course to adopt was to assist the authorities in carrying out the Act, and to ask them to meet the solicitors in the same spirit, and to mitigate as far as possible whatever hardships and difficulties there might be; and that they would inflict as little hardship and trouble on the unfortunate people who paid these duties as possible, they would not find, so far as the profession who had the largest part of the work to do were concerned, any obstacle put in their way, save in such cases as seemed absolutely necessary for the protection of their clients.

Mr. F. NUNN (Colwyn Bay), Mr. W. B. COCKS (Nuneaton), Mr. W. H. ATKINSON Newcastle-on-Tyne), and others having spoken,

Mr. H. C. TRAPNELL (Bristol) said that there was no body of men who had such facilities for affording actual information as to the working of the Act as solicitors, and he hoped that next year some member would embody his own experience, showing not only the inconsistencies of the Act, but also such advantages, if any, as might accrue from it, in a paper. He agreed that the difficulties of filling in Form IV. had been much exaggerated, both in public speeches and in letters to the press.

PRIZE.

Mr. J. J. D. BOTTERELL (member of the Council, London) read a paper on this subject, in which he said:—

From answers which have been given to various questions asked lately in the House of Commons, it appears that a treaty will be submitted in the autumn session to Parliament dealing with International Law in matters of prize, and it may not be therefore uninteresting at this time to very shortly trace the modern history of the subject and the causes which have led to the drawing up of a declaration which gives effect to the international agreement recently arrived at, and which is called the Declaration of London. The insular position of our country, the absolute necessity of keeping our ports open to the commerce of the world, and the fact that we are still the largest carriers of sea-borne goods, combine to make the subject of "Prize" one of the greatest importance to us, and to make it imperative on us as a nation to see to it that, in a treaty dealing with such matters, British interests are carefully considered and safeguarded. The subject is very wide and extensive, and I needly hardly say that in the compass of a short paper such as this of necessity is, it is only possible to deal briefly with the more important features of the Declaration, and I therefore refer those who may desire full and detailed information to the text of the new treaty itself and to the various blue books which chronicle the discussions which have taken place at the numerous international conferences held in recent years. Up to the year 1856 no attempt had been made by the great maritime Powers to formulate the principles of law applicable to maritime matters during hostilities. Each nation had its own national prize courts, which adjudicated on matters brought before them in accordance with the National Prize Law of each individual country. As might be expected, many of these decisions were not generally acceptable, and disputes consequently took place between the various Powers upon the subject of prize, and the uncertainties of the law, coupled with the diverse views taken of the duties of belligerents and neutrals during hostilities, frequently gave rise to great differences of opinion and even to considerable danger of conflicts. In the year 1856, that is shortly after the Crimean War (which was, happily, the last occasion on which Great Britain was engaged in a naval war), in order to do away with the uncertainties already referred to, a conference took place in Paris between the great maritime Powers. That conference resulted in an agreement being arrived at as to certain principles of law to be applied internationally in the future, and a declaration embodying the terms of that agreement, and thenceforth known as the "Declaration of Paris," was drawn up and signed. Neither Spain nor the United States of America were parties to it. The declaration was very short, and merely laid down certain main principles on which the Powers were agreed. The text of it was as follows:—1. Privateering is, and remains, abolished. 2. The neutral flag covers enemy's goods, with the exception of contraband of war. 3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag. 4. Blockades, in order to be binding, must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy. Although, as above-mentioned, Spain and the United States abstained from joining in the declaration, they nevertheless adopted the principles laid down by it, and acted upon them. The Declaration of Paris is still the only authorised statement of international law on the subject with which it deals. It is, as has been seen, very brief; it had no pretensions to be a codification of the then existing body of prize law, and, in fact, only dealt with three points—viz., the effectiveness of blockades, the abolition of privateering, and the carriage by sea of goods during hostilities. Up to the year 1856 France and Spain, alone of civilised nations, maintained the principle briefly expressed in the phrase "Free ship, free goods; enemy's ship, enemy's goods." On the outbreak of the Crimean War, already mentioned, France agreed to abandon this position and to follow during the war the British practice, ultimately embodied in the Declaration of Paris—viz., that neutral goods in enemy's ships and enemy's goods in neutral ships were to be free from capture. It was, however, recognised that the protection thus given was to be withdrawn if the goods carried were contraband of war, leaving it to the prize court concerned to say what was or was not contraband; and even when the Declaration of Paris was signed it did not carry this point any further, as, although

it specifically withdrew the protection from contraband goods, it made no attempt to define the meaning to be given to the word "contraband." In the wars which have occurred since 1856, whilst there has been no avowed attempt by any of the Powers to repudiate the provisions of the declaration, its inadequacy on this and other questions has been made very apparent, and the consequent difficulty of an agreed interpretation has continued to lead to frequent disputes and considerable friction between the disputants. As examples of the disputes which have arisen and almost led to rupture of friendly relations, the well-known cases of *The Alabama* and, in more recent times, *The Allanton* and *The Knight Commander* may be mentioned. The unsatisfactory state of international law on this important subject, and the difficulty of reconciling the divergent views taken by individual nations, were fully recognised by the maritime Powers, and led to the holding of various conferences, where attempts were made to put the law on a more satisfactory basis, and ultimately the subject was discussed at the International Peace Conference which was held at the Hague in 1907. At this conference the delegates pronounced in favour of the establishment of an International Court of Appeal in matters of prize, to which appeals from the decisions of the national prize courts could in certain cases be made by the parties aggrieved by such decisions. When this point had been arrived at, the next question naturally was, what were the principles of law which were to guide the new court in arriving at its decisions? The various maritime Powers had taken different and divergent views of the meaning of the Declaration of Paris, and it was felt that the establishment of an international prize court would not meet with general approval so long as vagueness and uncertainty existed as to the principles upon which the court would act, and it was with the object of formulating in precise terms a set of rules relative to the law of prize which should be recognised as embodying doctrines held to be generally binding, as part of the existing law of nations, that delegates of the great Powers met in London in the winter of 1908-9. As the result of long discussions, and the making of many mutual concessions, an agreement on several of the most important points in dispute was arrived at. This agreement has been embodied in a treaty called the Declaration of London, which, when it is signed and ratified, will take the place of the Declaration of Paris. This new declaration has been virtually approved by all the great maritime Powers, including the United States of America and Japan. It is a much more pretentious document than the Declaration of Paris, and extends over nine chapters dealing respectively with: (1) blockade; (2) contraband; (3) unneutral service; (4) destruction of neutral prizes; (5) transfer to a neutral flag; (6) enemy character; (7) convoy; (8) resistance to search; and (9) compensation. The mere enumeration of the headings of these chapters shows the very wide range of subjects dealt with by the declaration, and the vast importance of them to a maritime country like our own. The principles laid down in the Declaration of Paris are followed, but the various definitions and meanings attached to the expressions used in that document give the Declaration of London in many respects the character of new legislation on the subject. Hence the importance of scrutinising its provisions with the utmost care. In this connection it is important to point out that the aid of this international tribunal can only be invoked against the decision of a national prize court, and only in the following cases, viz.:—(1) When it concerns the property of a neutral Power or private person. (2) When it concerns the property of a belligerent, if such property be cargo on a neutral ship. (3) If an enemy ship has been captured in the territorial waters of a neutral; or (4) If the capture was in violation of a convention between the belligerents. The appeal in all these cases may be against the judgment both on matters of law and fact. I propose to deal *seriatim*, but by no means exhaustively, with each of the chapters into which the declaration is divided, pointing out the principal respects in which the interpretation of the law of prize, as contained in the Declaration of London, differs from the decisions arrived at by British prize courts.

1. *Blockade.*—This chapter is largely devoted to a definition of the word "effective" when used as qualifying the word "blockade." The liability of a neutral vessel to capture for breach of blockade is to be contingent on her knowledge, actual or presumptive, of the blockade. Speaking generally, the rules comprised in the various articles of this chapter follow the decisions of the British prize courts, but by Article 17 a neutral vessel may not be captured for breach of blockade, except when within the area of operations of the warships detailed to render the blockade effective. This article is not in accordance with the principles of law hitherto laid down by our British prize courts, which have maintained that any attempt, even setting out for a blockaded port, is enough to render a ship liable to capture, although in practice full effect has not been given to the law as so laid down. On the other hand, a claim supported by some of the maritime Powers that no ship can be arrested for breach of blockade, until after a special notice of the blockade has been entered on her papers by the belligerent warship, has been surrendered.

2. *Contraband.*—This subject, on account of its complexity and importance, caused the most prolonged discussions at the conference, and the framing of the numerous Articles relating to contraband was one of the most delicate and difficult tasks set before the delegates. On several points an agreement was found to be impossible, and they have accordingly been shelved and left to the International Court to deal with, as in other cases where no generally recognised rules exist, in accordance with the general principles of "justice and equity." . . . An important agreement has been made on the question of contraband of war, and with the object of securing more certainty and uniformity in the law, all sea-borne commerce has been divided into three classes. (1) Absolute contraband, comprising goods which are liable "de plein droit" (which for want of a better English expression is translated by the words "without notice") to capture whenever and wherever found at sea on their way to the territory of the enemy. (2) Conditional contraband, consisting of goods which are susceptible of use in war as well as for purposes of peace, but which are only liable to capture if on their way to the enemy's Government and intended to be used by his armed forces; and (3) certain goods which can never, whatever their destination, be treated as contraband of war. It is perhaps unnecessary to mention that these rules only apply to goods carried in neutral bottoms, as, of course, enemy ships are always liable to capture though their cargo may go free. Lists of the goods coming within the three categories above enumerated have been drawn up and inserted in Articles 22, 24 and 28. In the list of absolute contraband are included (*inter alia*) arms, projectiles, warships and the apparatus for their manufacture; also the ordinary camp fittings, and animals suitable for use in war. Article 23 provides that other articles exclusively used for war may be added to the list by subsequent declaration, which must be notified to the various Governments. In the list of conditional contraband are included (*inter alia*) foodstuffs, forage, gold and silver, floating docks, etc., railway and telegraphic material, flying machines, fuel, and lubricants; additions to this list may be made, as in the case of absolute contraband, but they are also subject to the same qualifications as the original list, and can only be declared contraband of war if destined for the use of the enemy forces. Great difficulties will undoubtedly still be encountered in ascertaining, when a ship has been captured, whether her cargo comes within the definition of contraband or not. It will be a question of fact in each instance, and one upon which in many cases satisfactory evidence as to whether the goods were intended for the armed forces of a belligerent, or for the civil population, will be difficult to obtain. In the absence of definite proof presumptions may be drawn and the door is thereby opened to serious injustice. The doctrine of continuous voyage—which treats as one transportation the carriage of goods to a neutral port with an ulterior destination—although retained in the case of absolute contraband, has been given up in the case of conditional contraband: such goods cannot therefore be seized when on their way to a neutral port even if their ultimate destination be the territory of the enemy. The third and remaining list contains the articles which under no circumstances can be treated as contraband of war, and includes most raw materials, as for instance—those of the textile industries—rubber, hides, metallic ores, chemicals, machinery of various kinds, and, in fact, most articles of domestic use; nor can ships' stores, or hospital stores, be so treated, though the latter may be requisitioned in case of need, suitable compensation being paid. Article 38 provides that a vessel may not be captured on the ground that she has carried contraband on a previous occasion, if such carriage is in point of fact at an end. This will prevent in the future a case arising similar to that of the British ss. *Allanton*, which was seized by Russia in the recent war with Japan, after having discharged her contraband cargo, and whilst on her way in ballast to a neutral port. Article 40 makes a serious change in the British Law, and provides that a vessel carrying contraband may be condemned, if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo. Other articles provide that a ship's papers are to be conclusive proof of the voyage on which she is engaged, unless she is found to be clearly out of her course on such voyage and unable to give any adequate reason for such deviation, and a saving clause is also inserted in the case of ships with contraband on board, whose masters were unaware of the outbreak of hostilities at the time of sailing. It cannot be said that the effort made in this chapter to free neutral shipping from the inconvenience at present attached to a state of war between two maritime Powers has been altogether successful, although at the same time it must be recognised that there are considerable advantages in having a "free" list agreed upon. The doctrine of absolute and conditional contraband is by no means new, as it was enunciated by the United States Courts in the case of *The Peterhoff* in 1866, but it is undoubtedly advantageous that the lists of goods to be so treated cannot be extended, except by the inclusion of goods which fulfil the conditions attached to the respective lists as now settled.

3. *Unneutral Service.*—Unneutral service as set out in this chapter may be of two descriptions, each involving more or less serious consequences. The first is that of a ship engaged in carrying persons embodied in the armed force of the enemy, or engaged in the transmission of intelligence for the enemy, or (to the knowledge of those responsible for the ship) in transporting enemy troops. In this case the ship may be condemned, and will receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband. The second class is that of a neutral ship actively assisting a belligerent, when the result of her will be to turn her into an enemy merchant vessel and withdraw her altogether from the jurisdiction of the international prize court.

4. *Destruction of Neutral Prizes.*—This is an important chapter, and its provisions have been the subject of considerable adverse criticism, legalising as they do under certain circumstances the destruction of a neutral ship and her cargo without being condemned by a prize court. Great Britain and the United States of America proposed to make the release of a prize obligatory upon the captor whenever the latter was unable to carry it into a prize port, but whilst this proposal was rejected and "appreciation before judgment" is now legal, yet a captor is not permitted to destroy a prize unless the vessel if taken before

a prize court would be the subject of condemnation, and only then, if the taking her into a prize port would endanger the safety of the captor's ship, or the success of the operations in which such warship was at the time engaged. If the captor decides to destroy a prize he must make provision for the safety of the crew, and the preservation of the ship's papers; and the whole proceeding is then left to be investigated by a national prize court, with the right to appeal to the international court. The captor must prove: (*a*) That the ship was liable to condemnation. This is a question of fact, and depends, broadly speaking, on whether 50 per cent. of her cargo was contraband of war. (*b*) That to take the captured ship into a national prize port would involve danger to the safety of the warship effecting the capture or to the success of the operations in which she was engaged at the time. If the captor fails to establish (*b*) the question of the validity or otherwise of the capture cannot be raised by him and compensation must in any event be paid to the owners of the ship and cargo. This salutary provision is obviously weakened by the fact that it is in his own prize court that the captor has to prove the existence of a pressing naval or military necessity, and that the whole case must be settled there before an aggrieved party can take action in the international court. The British delegates seemed to think that the safeguards contained in this chapter particularly (*b*) were adequate to prevent destruction of prizes, save in a very few exceptional cases, but too much reliance cannot be placed upon these provisions. For instance, no attempt has been made to define "pressing necessity," and it cannot be doubted but that very little evidence will be sufficient to convince a prize court of the same nationality as the captor's ship, that the captain of the latter had a sufficient "necessity" to justify his action, particularly when it is remembered that in nine cases out of ten the only evidence available as to necessity would be that of the captor himself, and could not in the nature of things be contradicted by evidence from the captured ship. It would be extremely difficult, moreover, for the international prize court to reverse the decision of the national prize court on such a question, which, after all, is one largely of discretion. A captor minded to destroy a prize need scarcely ever be at a loss for a colourable excuse based on "pressing necessity" for so doing. Distance from a national prize port, the state of the weather, the slow speed of the prize, amongst many others would serve the purpose. One excuse which would generally be available, as warranting the destruction of a prize—namely, the inability of the captor in his judgment to spare a prize crew for the purpose of taking the captured ship to a prize port, is very obvious, and an unsuccessful effort was made to get this particular contingency excluded from the list of cases of exceptional necessity. It is a contingency, moreover, much more likely to arise and to be acted upon in the case of other Powers than by Great Britain, and, if so, the result would be undoubtedly detrimental to British commerce. Owing to the fact that Great Britain has ports, coaling stations, and naval bases in all parts of the world, there will be little advantage or temptation, on the score of convenience, to British cruisers to destroy prizes, but in the case of other Powers, such as Germany or Russia, who have few such ports outside their home dominions, the temptation to their cruisers in remote seas to destroy prizes, trusting to their being able subsequently to justify such destruction, rather than to run the risk of depleting their crews by providing prize crews, or of sending prizes to a distant national prize port under convoy, will obviously be very great. This destruction of prizes without legal condemnation, which was first recognised in the late Russo-Japanese War, can only be regarded as somewhat in the nature of a retrograde step. Article 53 provides for the compensation of the owner of neutral goods not liable to condemnation, but which may have been so destroyed, and Article 54 applies the principles of this chapter as to justifying his action, to the case of a belligerent who destroys contraband taken out of a ship not herself liable to condemnation, owing to the absence of the requisite percentage of contraband aboard her.

5. *Transfer.*—The articles of this chapter validate the transfers of enemy ships to a neutral flag made before the outbreak of hostilities, unless the object of the transaction was to evade the consequences to which an enemy ship as such was exposed, and on the other hand it invalidates any such transfer, if made after the outbreak of hostilities, unless it is proved that such transfer was not made in order to evade the consequences to which an enemy ship as such was exposed.

6. *Enemy Character.*—This chapter provides that the character of a vessel is to be determined by the flag she is entitled to fly. The character of goods found on board an enemy vessel is to be determined by the neutral or enemy character of the owner of such goods, subject to the presumption in the absence of proof to the contrary that they are enemy goods. This leaves the question of how to determine the enemy or neutral character of such owner absolutely at large and therefore in an unsatisfactory position. Furthermore, the articles in this chapter unfortunately do not refer to what is known as the "Rule of 1756," under which Great Britain has hitherto claimed to treat all ships, engaged in a trade which, prior to hostilities, was closed except to ships under the belligerent's flag, as enemy ships. The validity of this claim is therefore left open, to be decided, if and when the question arises, by the international court.

7. *Convoy.*—This chapter is mainly important from the fact that it puts an end formally to the claim, hitherto made by Great Britain, of the right to search neutral merchantmen when under convoy. This right of search had ceased to be really important, since the Declaration of Paris put an end to the right formally enjoyed of seizing enemy goods, other than contraband, under whatever flag carried. This chapter throws upon the convoy the duty of seeing that no contraband is in fact being carried by the vessel under escort.

8. *Resistance to Search.*—By this chapter forcible resistance to being searched by a warship involves, in all cases, the condemnation of the vessel and the treatment of her cargo as the cargo of an enemy vessel. By forcible resistance is meant the actual use of force when offering resistance and does not include a mere attempt to escape search by sailing or steaming away.

9. *Compensation.*—As the title indicates, this chapter deals with compensation, and provides that in the absence of good reason for capture, compensation is to be paid in cases where the capture of a vessel or of goods is not upheld by the prize court, and also in cases where the prize has been released without any judgment having been given. The declaration concludes with a few general articles relating to formal matters connected with its ratification, denunciation, etc., which it is unnecessary to refer to in detail. From the foregoing it will be seen that although Great Britain has given up certain rights which she has hitherto claimed, and has in addition accepted some of the views of Continental publicists on other questions, her delegates on the other hand have induced the maritime Powers to agree to many of the British views. There are, however, many points which have been left unsettled; no practical steps have been taken, as I have already pointed out, to prevent the recurrence of such outrages as the sinking of the "Knight Commander," because it was inconvenient to the Russians to send her into a prize port for adjudication, nor have any rules been made to render unlawful the creation of commerce destroyers, of the type of the Russian Volunteer Fleet, by putting a few quick-firing guns into mail steamers. The new code, on the whole, conforms to a very large extent with the professions of the bulk of civilised States to-day, and the reduction of those professions to writing in the shape of an international declaration is a step in the right direction, for it is open to question how far the practice of some of the Powers in the stress of a great naval war would, but for the moral effect created by an agreed code, tally with the opinions now expressed by their jurists. The practice of the Americans in their war with Spain did follow in the main the views embodied in the new code, the practice of Russia certainly did not, and her ratification of this code would undoubtedly bind her to a much restricted view of her rights as a belligerent. In considering the proposition whether the new code is favourable or otherwise to British interests the subject must be looked at from two points of view—namely, that of belligerents, and that of neutrals. As belligerents, we should have a vast carrying trade to protect and a large population to feed, and as we have coaling stations all over the world which other nations have not, any restrictions on the right of neutrals to supply fuel to a belligerent warship are in our favour. The main question, in the case of hostilities breaking out in which we were concerned, would be whether our navy was strong enough to chase the enemies' commerce destroyers from the seas. It is hardly necessary to point out that the great wheat and meat producing countries would be quite as ready as ourselves to embark in trade with us in foodstuffs, and any unreasonable interference with our food supplies in neutral bottoms would be very much resented. The provisions relating to the transfer of ships during or in view of hostilities are also, as far as they go, in our favour. But as neutrals, the question is more complicated. The navies of the opposing forces both want our coal, and it would suit us in this case if fuel were put on the "free" list. Furthermore, apart from any freights to be earned by carrying contraband, we, as very large carriers, do not wish our trade with either belligerent to be interrupted. It is essential that there should be absolute equality in the treatment of neutrals; if one neutral Power meets with favoured treatment, the insurance rates for her ships fall, and competition with the ships of such favoured Power becomes impossible. An attempt by the formation of the international court to make favouritism impossible has been made, but unfortunately there are no means of insuring the carrying out of the decisions of the new court. Another objectionable feature is that presumptions and opinions are given such a prominent place in the new code. A commander thinks or affects to think that a ship is carrying contraband; he thinks the weather too rough to make it safe for him to take her into port; he accordingly sinks her; and even supposing it is found after a hearing before a prize court followed by an appeal to the international court, that he thought wrong, a series of miscalculations of this kind is bound to have a serious effect on our carrying trade. It will thus be seen that the proposed rules applying to all Powers alike, whether at the moment they may be belligerent or neutral, "cut both ways," and although they have been vigorously criticised and in some respects condemned by some writers, it is very doubtful whether anything short of the actual experience to be gained in a great maritime war will really demonstrate whether the new rules are or are not on the whole favourable to Great Britain. I have pointed out some respects in which they appear to me to be unsatisfactory. The declaration has been agreed to by our delegates, and presumably meets with the approval of our own and other Governments. It now only remains for it to be ratified by the various maritime Powers. In order to do this, legislation will no doubt in some cases be necessary, and in England at all events a Bill for the purpose has been prepared. In other countries, notably in the United States, constitutional difficulties will probably be encountered in practically subordinating the national prize courts to an international prize court, but if the countries concerned are really desirous of establishing the international court on a sound and proper basis, no doubt these difficulties will be overcome.

LOCAL GOVERNMENT AND LOCAL TAXATION.

Mr. THOMAS MARSDEN (Blackburn) read a paper on this subject, which we hope to print hereafter.

STATE INSURANCE.

Mr. H. K. WOOD (London) read a paper on this subject:—

The formation of a State Insurance Department is a matter of considerable importance, and is likely to occupy the early attention of Parliament and the country. Three forms of insurance by the State (which it is proposed shall be immediately introduced) have already been indicated by members of the Government—viz., unemployment insurance, invalidity insurance, and life insurance, the latter, at any rate, to the extent of insuring against the death of the breadwinner. . . . . The present proposals are, perhaps, worthy of a short examination. All these three forms of insurance may, of course, be either of a compulsory or voluntary character, and may be paid for either by the employees or employers alone or partly by one and partly by the other, and either form can be supplemented by contributions from the State. Previous experiments by other countries are interesting, and should prove instructive. A compulsory unemployment scheme was introduced by the Municipality of St. Gall in 1894,* which applied to all male workmen who did not earn more than 4s. a day. The Unemployment Fund was created by (*a*) payment of premiums by the insured, (*b*) voluntary contributions, (*c*) State contributions. It is worth noting, in passing, that at the neighbouring Municipality of Tablat the scheme was rejected by a large majority of the townspeople. In the St. Gall scheme the first difficulty that arose was that persons to whom the scheme applied would not register themselves, people were even fined for not doing so, and at the end of the first year one-tenth of the total number of persons who should have registered had not done so. The next difficulty (not a novel one to those experienced in insurance matters) was to obtain payment of the premiums due. Many of the defaulters left the town, and at the end of the second year nearly 50 per cent. of the insurers owed premiums amounting to about one-quarter of the fund. The total amount of premiums paid in the first year was £867, and the amount paid in unemployed pay £940; in the second year the premiums paid amounted to £628, and the unemployed pay to £1,535. A considerable portion of the pay went to the public houses. The best workmen found they were paying premiums and never receiving any advantages, and a resolution was passed summarily closing the experiment. This, it is believed, is the only example of a compulsory unemployment scheme. Types of more or less voluntary forms of unemployment insurance are in operation in France, Belgium, Germany, Italy, Switzerland, Holland, Norway, and Denmark. Berne, for instance, has a municipal institution which is maintained to a small degree by the insurers and by a large grant from the municipality. Two significant facts in relation to this undertaking are, firstly, that up to 1903 the employees of the municipality were compelled to insure, but so soon as this was no longer necessary they ceased to do so; and secondly, that an attempt in 1895 to make the scheme compulsory failed on account of a vigorous opposition by the workpeople of the town. Bale adopted a scheme in 1901 on much the same lines as Berne; the membership, however, gradually declined, and in 1906 the premiums paid by the insured only amounted to about 29 per cent. of the benefits paid, and such benefits could only be paid from a reserve fund. The scheme has been abandoned, as also similar schemes at Venice and Geneva. A scheme at Ghent, by which the Ghent trades unions are enabled to pay increased unemployment benefit owing to receiving financial aid from the municipality, is worthy of attention. A typical instance of invalidity insurance directed by the State is, of course, to be found in Germany. Certain employees are liable to insurance, including industrial workmen and domestic servants; and, where the earnings do not exceed 2,000 marks yearly other classes are also liable, such as teachers and shop assistants. Voluntary insurance is also open to various persons, such as tradespeople and employers who do not employ more than two paid workpeople liable to insurance. The insurance societies co-operate with State bodies, and the funds are subject to the control of joint boards. Employer and employee contribute equally, and the State adds a subsidy. Premiums are paid by means of stamps, and the employer has to deduct the workman's premiums from his wages. The question of the introduction of these methods of insurance in this country of course vitally affects the existing organisations that are at present carrying on this class of insurance. For instance, in 1896-1900 the trade unions of this country paid £1,609,000 in unemployment benefit, whilst in 1902-1904 £1,580,000 was so paid. The friendly societies have also for many years successfully, and to a large extent, carried on sickness and kindred insurances, and there are already indications that the proposals of the Government will not pass unchallenged by them. Further, in view of the introduction of any compulsory measure, the best and, as a rule, more thrifty workpeople of this country will doubtless require to be satisfied that they are not paying premiums for other persons without receiving any appreciable benefit themselves. Parliament will, perhaps, take into consideration the important question whether by such schemes only a very small section of the community are benefited, leaving unprovided for the vast body of unorganised and unskilled persons, who from many points of view require such aid the most, and who in previous schemes it has been practically impossible to benefit in any way. It is obvious that any such schemes are full of practical difficulties, and the following observations may be pertinent:—

(1) That if such insurances are to be carried on in connection with existing organisations, the insurance funds and accounts should be kept separate. (2) That any scheme should be actuarially approved. (3) That the verification for applications for benefits should be carefully scrutinised and be dealt with by representatives of the State (such as officials of the Labour Exchanges) rather than workmen themselves. (4) That provision should be made whereby the benefits received are used for the purposes for which they are paid. (5) That in the event of any payment being made by employers they should be adequately represented in the administration of any fund. (6) That provision should be made for women as well as men, and also as far as possible for the unskilled and unorganised workpeople. (7) That the amount, commencement and duration of benefit, together with the age limit and length of term of residence, should be carefully considered. (8) That no person should draw benefits from more than one fund. Of a different nature altogether, it is submitted, is the attempt to foist on the country a scheme of State life insurance. Mr. Lloyd George, in his Budget speech of 1910, after referring to the above schemes of unemployment and invalidity insurance, made the first reference, it is believed, to a life assurance scheme: "In this country," said the Chancellor of the Exchequer, "we have already provided for persons at the age of seventy, and we have made fairly complete provision for accidents. I hope our competition with Germany will not be in armaments only. We hope to provide for the sick, the widows, and the broken soldiers of industry." As the months go on the references to State life insurance grow more explicit. For instance, Mr. Churchill, on July 31st, 1910, says: "My friend, Mr. Lloyd George . . . would next year, he believed, introduce to Parliament a great scheme to enable householders to guard themselves against sickness, against invalidity, and against death of the bread-winner. That was to say, a provision would be made for widows and orphans to an extent and a degree which had never yet been dreamt of as practical in the history of our country." If any doubt remained as to the intention of the Government it would be dispelled by the declaration of Mr. Churchill, as President of the Board of Trade, on December 11th, 1909, to the following effect: "If the Liberals are successful at this election a great scheme of national assurance will be brought forward against sickness, against invalidity, and for the provision for widows and orphans." There is little doubt that these proposals cut at the heart of voluntary life insurance. There may, perhaps, with advantage be contrasted the conditions of insurance which are now in operation with those which are likely to obtain if this interference on the part of the Government becomes actual fact. The records of Post Office life assurance are instructive.* It was found that the public support had been trivial in the extreme, and the Departmental Committee recommended that a system of collection of premiums be provided, that the system of life assurance be advertised, and that a system of commissions to sub-postmasters be introduced. All of these recommendations simply follow the procedure of the various offices, and prove at least that the business cannot be transacted on voluntary lines without the reasonable expenses of organization and advertisement inseparable from any successful business undertaking. The report goes on to advise simplification of the proposal form, removal of restrictions as to residence, granting of loans on policies, and so forth; all of which point to the lack of elasticity which is to be found in every Government undertaking, a fault which if it is fatal in open competition, would be even more undesirable when it formed part of a compulsory insurance scheme. It is, however, in the report of the Committee on the Investment of Assurance Funds that there is supplied the deadliest argument against State life assurance. The Committee report that the Insurance Fund has, up to the present, been invested in Consols, and they think that a substantial portion of the fund should in future be invested in the most remunerative Parliamentary securities that can be obtained at the time, but they do not think non-Parliamentary securities should be allowed. It is through the operation of compound interest that insurance results are to a great extent secured, and with the admission that the Government is confined perforce to its own gilt-edged securities, yielding the lowest rate of interest, one is prepared for the further recommendation of the report that it is necessary to restrict the work of the Post Office to non-profit policies, as "it is impossible for the Government system to obtain such satisfactory results as insurance companies obtain." It is impossible to overstate the importance of this admission. In the vital matter of the investment of the funds the State is at a hopeless disadvantage as compared with a private company. The State is practically precluded by public policy from investing in private enterprises, and is restricted, as in the case of Post Office deposits, to investing with itself at a rate of interest certainly not exceeding 3 per cent. against the 4 per cent. and over earned by the companies. If, then, the argument for State life assurance breaks down on the important question of investments, what is the position of a State department with reference to two other vital points—expenses and mortality? Dealing first with expenses, has anyone ever suggested that Government Departments were conducted on more economical lines than obtain in private enterprises? Do officials, clerks and the like, do better work or cheaper work as Government officials with their career in life marked out forty years in advance down to the date at which they retire on the tabulated pension? If there is to be a reduction in working

* See Report to the Board of Trade on Agencies and Methods for dealing with the Unemployed in certain Foreign Countries and Insurance against Unemployment.—D. F. SCHLOSS.

* Post Office (Life Assurance) Report. 1903.

expenses it must be in the matter of the commission paid to agents, and if there is no intention of that kind, then clearly enough, on voluntary lines, the State could reduce the expenses little or nothing. A compulsory scheme would by this means doubtless effect a saving, but would displace at least 80,000 insurance agents whose interests and families must count for something in any scheme of natural economy. The only other course would mean the addition of 80,000 persons to swell the ranks, already too numerous in the opinion of many, of the Government officials of this country. The difference between a good office and a bad one—and this is especially true of industrial offices—lies in the selection of business. How would this important factor be dealt with in a compulsory State scheme? Presumably all lives would have to be accepted—good, bad, and indifferent—and the effect is that premiums on the sound life would be loaded to make good the certain loss on the unsound life. If there are grave reasons against a compulsory scheme, it is equally important to examine the records of British life offices. The Board of Trade Returns for 1908 show eighty-nine companies, of which seventy-two transact ordinary life business and seventeen transact industrial and ordinary business. The premiums total £39,959,991; the interest on funds, after payment of income tax, amounts to £13,076,275; and the funds in hand at the end of the year total £352,584,617. That these huge accumulations of money are put out safely and to great public advantage is established by the following analysis of investments:—

Mortgages	£101,912,313
Loans on policies	21,382,083
Loans on rates	46,953,042
British Government securities	8,190,295
Indian and Colonial Government securities ...	20,236,642
Foreign Government securities	13,535,852
Debentures	84,960,185
Shares and stocks	42,849,214
Land and house property	40,964,230
Life interests and reversions	10,645,296

A striking contrast between moneys invested in this diverse, public and useful way against the stilted method of investment which perforce has to be adopted by the Post Office. Perhaps, however, the greatest triumph of voluntary effort is established by the figures of the Industrial Assurance Companies and Friendly Societies. The Board of Trade Returns show that the companies had in force 27,813,839 industrial policies, assuring the sum of £278,444,501. To this must be added the policies of the collecting societies, numbering 9,010,574, and then there is the membership of the friendly societies proper, 6,127,386. Thus there is in force a total of 42,951,719 industrial policies. Contrast this with the ordinary branch policies in force, numbering 2,670,284. The contrast is a very striking one, and certainly does anything but suggest that the British working man needs to be put under compulsion to make such provision for his family as lies within his power. It is the fact, of course, that this total of 42,951,719 policies would not represent that number of lives insured, as in many cases there would be more than one policy on one life. But, on the other hand, there are a great many people in the country who are in no need of life assurance, there are many whose lives are uninsurable, whilst there are some who are not in a position to pay an insurance premium. Therefore if all these facts are taken into account, and there is contrasted the 43,000,000 of industrial policies with the estimated population of 45,000,000, it is established that life assurance in this country is already almost universal, and that there is no occasion to put a further tax on the community by introducing a State-aided scheme in competition with, or in substitution for, the present system. Suppose it is assumed that the working classes are not interested in the funds of ordinary life companies, though this is an arbitrary assumption, because as a matter of fact the skilled artisans do hold ordinary branch policies to a very considerable extent; there is in this country no less an amount of accumulated funds belonging almost exclusively to the working classes of £464,000,000. Assume that one-fourth of the population of this country are not included in the working classes and are not interested in this total of £464,000,000, take the other three-fourths of the population, say, 33,000,000, and divide among them the £464,000,000. It represents over £14 per head of the population—men, women, and children—and gives a remarkable demonstration of voluntary thrift. It is submitted that if the Government seek to introduce a scheme of life assurance which shall compete with or displace existing institutions, it is certainly a matter of grave consideration, for the foregoing and other reasons, whether the State can give the public even equal service to that now given by the companies and societies.

Mr. T. W. Williams (Bristol) read an interesting paper on "The Recorders of Bristol before 1835," which we regret our space will not allow us to print.

SUGGESTIONS FOR AMENDMENTS IN FORECLOSURE PRACTICE.

Mr. John Indermaur (London) read a paper on this subject, in which he said:—

I think a good many lawyers will agree that the originally beneficent doctrines of the Court of Chancery with regard to mortgages have been carried to an extent that they never ought to have been, but I am here concerned simply and only with the mortgagor's equity of redemption, and the practice of the court with regard to foreclosure. The continual right of a mortgagor, whilst the mortgaged property remains unsold, to come and redeem can only be put an end to by the operation of time through the Statute of Limitations, or by the process of foreclosure. It was only natural and reasonable that some limitation should be placed by the court on its generous treatment of mortgagors, and very soon the principle was established that proceedings might be taken with a view to ultimately shutting the mortgagor out from further rights in the property, and this was styled foreclosure. With some modern amendments in the details of practice, the procedure by way of foreclosure remains at the present day, in substance, much the same as when it was first invented, and it presents to us a cumbersome and expensive practice whereby a mortgagee may at last, on default by his mortgagor, become the absolute owner of the property, free from any further interference on the part of the mortgagor. I do not doubt that in very early days the action of, and general course of procedure in, the Court of Chancery was thoroughly justified. The penal rule of law was unjust and repugnant to common ideas of honesty, for it gave to a lender a power on non-payment to seize and become absolutely possessed of property that might be worth the amount of the loan over and over again. The idea of a scheming money-lender, often a lawyer, becoming thus possessed of the family estate of an unfortunate borrower has been made the subject of many an interesting piece of light literature, the novelist often showing his knowledge of the common law rule alone, and being quite oblivious to the relief and assistance given by Chancery. We must, however, bear in mind that at the present day mortgages must be looked at somewhat differently to what they were a century or so ago. We have now to recognize the continual development of estates that is going on, and the fact that mortgages are matters of everyday investment. Whilst a mortgagor should have all reasonable protection, the mortgagee ought to be considered a little, and I think that the Chancery doctrines have in many respects been carried to absurd lengths. In ancient mortgages the mortgagee nearly always had a very ample security, and the whole design of equity was to prevent a mortgagee gaining an unfair advantage by getting for his mortgage money a property worth a great deal more. At the present day, when the mortgage is a thoroughly satisfactory security, there is never any fear of such a thing happening, as there is no difficulty in obtaining a transfer, and even in foreclosure proceedings the court will on request, in such cases, invariably direct a sale instead of a foreclosure. We have, however, constantly to deal with cases of insufficient securities, and here we find the mortgagee treated in just the same way as if he were seeking to take an undue advantage, and every obstacle is put in his way when he desires most reasonably, as the best thing he can do, to make himself absolute owner. How constantly we see cases of utterly insufficient or unsatisfactory securities, and quite impecunious mortgagors, and mortgagees desirous to end the period of having to keep accounts and be subject to all the troubles and dangers of being a mortgagee in possession—in fact, to make the best of a bad bargain by taking to the property as owner. What I wish to forcibly suggest is that in such cases a mortgagee is treated very harshly, and that the present practice of foreclosure is altogether antiquated and absurd. It is true that some amendments in the practice have been made—*e.g.*, by allowing proceedings to be commenced by originating summons, and generally allowing only one period for redemption, though there may be subsequent incumbrances; but I consider the present state of things is unfair and that it requires very substantial amendment. The present practice, shortly put, is as follows. The mortgagee wishing to become absolute owner commences his proceedings in the Chancery Division, usually by originating summons. The summons having been served, and in due course coming on to be heard, he proves his security by affidavit (often a very elaborate document), and an order is made directing an account to be taken of what is due to him for principal, interest, and costs, and a day is named—usually six months from the master's certificate—for payment. The usual practice certainly now is to give only one period for redemption, although there are as defendants not only the mortgagor, but also subsequent incumbrancers; but though this is so, yet it appears that the court will allow successive periods of redemption at the instance of the subsequent incumbrancers. The order is drawn up and the mortgagee's account carried into chambers and verified by affidavit, and is strictly vouched there, and then the master makes his certificate. In this certificate interest is calculated down to a date six months forward, and a day is appointed shortly after then when the mortgagee is to attend at a certain room at the Royal Courts of Justice theoretically to receive his money. When this period arrives, as probably the mortgagee does not wish himself to attend and wait the prescribed period, he gives some person, usually a clerk of his solicitors, a power of attorney to attend for him, and this individual solemnly attends and waits an hour, usually being well aware that there is not the slightest likelihood of anyone attending to make payment. Then comes an affidavit by the attorney, of attendance and non-payment, and an affidavit by the mortgagee, or if several by each of them, of non-receipt of the money, and then at last the final foreclosure order is made and the matter is finished, after proceedings occupying certainly about nine months, and much longer if successive periods for redemption are given. In even simple cases the costs may be estimated at £50 or £60, to say nothing of the *ad valorem* duty on the foreclosure order absolute. Where the property is saleable, a mortgagee has all full and reasonable facilities to speedily realize; when this is not the case, and his best course is to make himself the owner, every obstacle is placed in his way, though probably as it is he is a loser over the transaction, and the costs, though theoretically added to his security, in reality come out of his own pocket, on account of the insufficiency of the security. It must be borne in mind that in the great majority

of cases in which the remedy of foreclosure is sought the security is an insufficient one, and no one expects that the mortgagor will redeem. The whole procedure is cumbersome in the extreme, and very hard on the mortgagee, and it is to my mind absurd that all this rigmarole should be gone through. It may have been in accordance with all things a hundred or even fifty years ago, but it is not in accordance with the present times, in which the tendency is towards expedition and the abolition of unnecessary formalities and ceremonies. The absurdities in some foreclosure proceedings are specially striking, and I will, as an instance, mention a case which occurred this year in my own practice. My client A. was a mortgagee for £7,000, having as part of his security a sub-mortgage of a mortgage for £4,000 held by his mortgagor B. from one C. over certain land. There was no prospect of immediately selling the land, which required developing, so A. instituted foreclosure against B. and C. in respect of the sub-mortgage, which was the only part of the security of any value. The land comprised in the sub-mortgage was clearly not worth as much as £4,000, and it will be observed that there was due to A. £7,000. Now the form of foreclosure order here was to take two accounts—viz., what was due on A.'s mortgage from B., and also on B.'s mortgage from C. Then the order gave C. six months to redeem from the master's certificate, and then after that a further three months was given to B. before A. could get his foreclosure absolute. So that here we have it taking quite twelve months, with ridiculous and unnecessary accounts, and at considerable expense to a mortgagee who must be manifestly a heavy loser, to get a simple foreclosure order absolute, which no one doubted must be obtained sooner or later—truly a farcical state of things. Now surely there is a necessity for a more simple mode of procedure, and my immediate object is to make some general suggestions in that direction. Mortgages may be divided into two classes (1) sufficient and satisfactory securities, (2) insufficient or unsatisfactory securities. We comparatively rarely see foreclosure suits as regards the former, for the simple reason that when the mortgagee wants his money either he is paid directly by the mortgagor, or a transfer of the security is arranged, or else the mortgagee proceeds to sell, that being manifestly his best remedy. It is in the second class of mortgages that foreclosure suits ordinarily occur. The mortgagee feels the necessity of taking to the property as owner and making the best he can of it. Naturally if this is the position he does not wish to remain simply mortgagee. He may want to spend money on the property, and do various things that he could not or would not do merely as mortgagee. He knows that it is an insufficient or unsatisfactory security, but that whatever it is he has to make the best of it, and that to proceed against the mortgagor on his covenant is useless. How often this is the position nearly every practising solicitor is aware, and particularly is it very frequently so at the present time as regards property in the neighbourhood of London, where there has been a great fall in value. Solicitors constantly see cases in which foreclosure is the best course to take, and the cumbersome and expensive nature of the proceedings often deters mortgagees, who therefore have to continue in the unsatisfactory position of mortgagees until the Statute of Limitations has come to their assistance, or else they are forced to sell at a sacrifice and loss, if indeed able to sell at all. This is not as it should be. It is unfair to mortgagees, and it is even against the interests of lawyers, who lose business through the expensive and dilatory nature of the direct remedy. I now come to my suggested amendment in the practice of foreclosure. Let all foreclosure proceedings be commenced by writ of summons, the same to contain short particulars in the nature of a special indorsement, similar to that on an ordinary specially indorsed writ. This indorsement should state the date of the mortgage, and the amount alleged to be due for principal, interest, and costs, and the claim should be for personal judgment for the amount, and for an absolute foreclosure, and for delivery up of possession if the mortgagee is not already in possession. If the defendant does not appear, then the plaintiff should be entitled forthwith to an immediate judgment for the amount, and for absolute foreclosure and possession. If, however, the defendant appears, then I suggest that the plaintiff might be allowed to take out a summons for immediate judgment in the same way that he does in an ordinary action in the King's Bench Division under order 14, supporting his application by an affidavit on similar lines. If on the return of the summons the defendant can show no good cause to the contrary, then an order should be made for the judgment asked, and judgment signed accordingly, and thus the whole result might be obtained in a few weeks. If, however, the master is of opinion that there is a good defence, or that an account should be taken, then he might at once make such an order as appears just, which might be for pleadings and trial, but would usually be for the taking of an account in chambers, and the order might go on further to provide that if the amount is not paid within, say, one to three months (according to circumstances) from the date of the certificate, that the defendant be absolutely foreclosed without any further step. Of course, also, I would not propose to interfere with the present power of directing a sale which, however, would never apply in the great class of cases of insufficient securities. By the means indicated, in a great many cases the plaintiff would get a very speedy judgment and at very small cost, and in other cases, when an account was necessary, matters would still be much expedited and a great deal of unnecessary expense saved. Surely this would be a reasonable course, and one which, whilst it would work no hardship as regards the mortgagor or other persons interested in the equity of redemption, would be doing justice to a mortgagee, who at the present time is, I think, treated most unfairly. If a man owes me £1,000, I can get summary judgment against him. Why, then, should I not be able to get an equally speedy remedy when I have a security, and wish to become the absolute owner because I cannot get my money? It is difficult to see what substantial objections can be raised to this course, for the interests of the mortgagor would always be safeguarded by his right to appear and object to a summary judgment, and to require an account to be taken, which would, of course, be granted if there were any justification for it. Then, if an account is necessary, the absurdity of such a lengthened period as six months, and often more, from the date of the master's certificate would be obviated, as also the ridiculous formal attendance to receive the money, and the subsequent affidavits of attendance and non-payment, and the application for the foreclosure order absolute, and all the extra costs consequent thereon. I submit that it is high time that the practice in foreclosure suits should be considered and remodelled by those in authority. My suggestions are only general in their nature, and are no doubt capable of material improvement. It is easier to see defects than to construct the necessary alterations. Of one thing I am certain, and that is that amendment of the present state of things is necessary. I am by no means sure that foreclosure might not be done away with altogether, as a thing obsolete and out of date, and, in conclusion, I desire to throw out this suggestion. When a mortgagee is in such a position that he is entitled to sell, let him be allowed to put the property up for sale by auction at such an upset price as he may think fit, with a statement on the face of the particulars that if no one bids that amount, he will take to the property at that price as owner. Assuming no one bids to the prescribed amount, let him then be able to vest the property absolutely in himself, and shut out the mortgagor and all other persons interested in the equity of redemption by the execution of a deed poll which would bear the same *ad valorem* stamp as would be necessary in the case of a foreclosure order absolute.

Mr. WALTER DOWSON (member of the Council, London), said the mortgage business was nearly dead. Many solicitors, particularly in the country, had in former times looked upon it as a great source of their earnings. There was now great disinclination on the part of the financier to lend money on mortgage. The difficulty in dealing on mortgage was so great that solicitors could scarcely ask their clients to take up that class of investment. He thought that some of Mr. Indermaur's suggestions were too drastic, but in the main they were very proper to adopt.

Mr. BARRY said he agreed with the suggestion that Order XIV. should be adopted, but he thought it should not be enforced if the money were paid within two or three months.

Mr. DOWSON said that, on the authority of the President, he might state that Mr. Indermaur's suggestions would receive the consideration of the Council.

OUR JURY SYSTEM: WITH SPECIAL REFERENCE TO JURIES AND THEIR GRIEVANCES.

SUGGESTED AMENDMENTS.

Mr. J. TUDOR REES (Cardiff) read a paper on this subject.

After an interesting sketch of the history of trial by jury, Mr. Rees said: My object is to point out a few changes, which I regard as urgent and clamant, both in regard to the system itself, and to the working of it so far as jurymen are concerned. First and foremost I place

The Inconvenience and Financial Loss Occasioned to Jurymen under the Present System.—For the purposes of conciseness, and in order that the matter might be presented in a form as to which there can be no doubt or speculation, it will be well to take as an example—which, it is believed, is an example typical of experience generally—that county with which the author of this paper is most directly concerned in the practice of his profession—the County of Glamorgan. There you have two assize towns, in each of which the assizes are held according to rota, one, Swansea, in the West, and the other, Cardiff, in the East, one town being separated from the other by forty-five miles. The under-sheriff has a huge area in which to find his jurymen. Bridgend is a town mid-way, and he draws an imaginary line through that half-way town North and South. From the Eastward side he summons jurors for Cardiff, and Westward for Swansea. Now, that Eastward area is of such an extent that men are summoned from within a radius of, say, thirty-five miles. [In many counties the radius is even larger, and the evils resulting commensurately greater.] The happy hunting-ground of the under-sheriff and his officers is the Merthyr District, situate from Cardiff twenty-four odd miles. What it means to hapless jurors to be summoned from that district is instanced by the following facts, which I have personally verified. X was a grocer in a small way. He was summoned to the Cardiff Assize as a juror. He accordingly attended for what was anticipated would be the last week of the assizes. As it happened, that week extended itself into seventeen days. Now, X employed no assistants, which meant that his shutters were up, and his business was entirely at a standstill, for more than a fortnight. He travelled to and from Cardiff daily, and his expenses worked out as follows:—

Railway fare to and from Cardiff for seventeen days, at 3s. 4d. a day	£2 16 8
Refreshments, seventeen days at 2s. 6d. per day ...	2 2 6
	£4 19 2

To which, of course, must be added the loss of trade-profit. The result of this was that X never fully recovered from the loss he sustained; the business was not of such a secure character as to weather that rude

shock, and in a short time he was compelled to give up his business and to seek a livelihood elsewhere. Men are summoned from the farthest corner of the county to discharge their duties on jury panels, and it is safe to affirm that the mean average of out-of-pocket expense to every juror would be at least £2, probably more. . . . Added to, and intensifying, the unhappy plight of the unfortunate juryman is the fact that some men are called and recalled time and again, while the more lucky ones escape the summons for many years. Indeed, to my own knowledge, there are scores of men qualified and liable to sit on juries who have never been summoned since their names were added to the roll. It is a gross injustice that one man should give, maybe, a month in two years to the discharge of this public duty, while another should never receive the unwelcome command. . . . That this state of things should be altered is of the highest importance to the trading community, and for the proper and efficient administration of public justice. Under-sheriffs should be compelled, under penalties, to go through their lists alphabetically, without fear or favour, instead of singling out names here and there, for in the practice of such a habit, the chances are that the names that attract this time will probably not have lost their attraction by next time—indeed, as has been already said, experience teaches that that is the thing most likely to happen. Moreover, as under-sheriffs change, there cannot be that continuity of practice when names have been fastened on haphazard as there would be if the list or book were gone through from top to bottom systematically. It should be a principle never departed from that no man who had served his turn should be summoned again until the whole list was exhausted and his turn had come again in the proper order of events. Section 19, sub-section 1, of the Juries Act, 1870, appears at first sight to meet such a case. "No person," it says, "shall be summoned to serve on any jury or inquest (except a grand jury) more than once in any one year, unless all the jurors upon the list shall have been already summoned to serve during such year." But, unfortunately, it gives the under-sheriff the right to summon the same jurors once every year whether the list has been exhausted before a second summons is issued or not. If under-sheriffs will not of their own volition so accommodate the public as to adopt and apply rigorously the principle enunciated above, then the law should be altered to make such a proceeding compulsory.

Saving Jurors' Time.—Then, as to the saving of the juror's time. No new Act is necessary to remedy this grievance. Section 21 of the Juries Act, 1870, says: "It shall be lawful for any sheriff or other officer to whom any precept for summoning jurors shall be addressed, with the consent of the person or persons by whom such precept shall have been issued, to make regulations as to the attendance of jurors during the time for which they shall be summoned, and in particular as to the days on which, and the time during which, they are to attend. Such regulations may be sent to any juror, together with the summons requiring him to attend on any jury, and when so sent shall be deemed to be part of such summons." At present, the practice generally followed is for the officers responsible to make an estimate, according to the Cause List and Calendar of an assize, as to the probable duration of the sittings, and to summon sufficient jurymen to cover that time, dividing the time equally. That is to say, if it be expected that a sittings will last a fortnight, one panel is called for the first seven days, and another panel for the second. But if there is one thing more doubtful than another in this world, it is the probable duration of a law sittings—except, of course, those sittings whose periods have vacations as their limits. And forecasts of the lengths of trials are as unreliable as are barometers of English weather. The panel summoned for the first seven days know the extent of their obligations, but as for the second, their tasks might be—indeed often are—extended from one week into three. For this wanton waste of time and money there is no justification or excuse. Instead of a week, a panel should be summoned for not more than three days, and a sufficient number of panels should be summoned to prevent the last lot from doing more than their fair share. For instance, the summonses of those of the last few panels should be marked "Unless the business of the assizes shall be sooner concluded." Jurymen, by reading their morning's paper, could very readily ascertain whether or not the assizes for which they had been summoned had concluded before the date when they were due to attend. It would be no difficult matter for the under-sheriff to note up those who had served on their summonses; and those who had been summoned but had not served should be on the first panels at the next assizes. If a man knew that the extent of his service was three days, much of what he properly feels now to be a great, unnecessary, and unjust hardship would be removed; but when he leaves either his farm, or his shop, or his workshop, not knowing the day nor the hour when he can resume the following of his avocation, he is made the victim of a cruel system, and says unkind, but justifiable, things about the law, which he likens unto a certain beast of burden with which Balaam was intimately acquainted.

Accommodation for Juries.—Then there is another matter about which jurors are very sore—that is the accommodation—or, to be more precise, the lack of accommodation—within the precincts of the court for jurymen-in-waiting. It is not wide of the truth to say that in comparatively few law courts is any provision whatsoever made for them. They have to lounge about the doorways or passages—if the police are sufficiently indulgent to allow them to do so; occasionally they manage to find seats in the court itself, but then they only take their places with the morbid crowd who throng the places reserved for the public. It is time that jurors were regarded not as men to be treated with no consideration and scant courtesy, but as essential, according to our present system of trial, as the judges on the bench or counsel at the bar. And arrangements of a proper character should be made for the convenience and comfort of these "good men and true" who hitherto have been in many instances driven from pillar to post by pompous policemen, and treated as though they were suspicious characters who should constantly "move on." Even after they have been sworn they are not treated with luxurious indulgence. Section 23 of the Juries Act, 1870, specifies that "Jurors, after having been sworn, may, in the discretion of the judge, be allowed at any time before giving their verdict the use of a fire when out of court, and be allowed reasonable refreshment, *such refreshment to be procured at their own expense!*" Apparently, to smoke or to sleep would be a violation of the law! Before that Act, however, after the summing up of the judge, the jury were prohibited from having meat, drink or fire, candle light only excepted!

Payment of Common Jurors.—Another reform which, it is submitted, is urgent and pressing is the payment of common jurors. It is, indeed, difficult to come across any reasonable or logical objection to this proposal. While special jurymen are remunerated for their services, common jurors have to discharge theirs gratuitously, the system probably being based on the "Unto-him-that-hath-shall-be-given" principle. . . . What are the objections to payment to common jurors? Would there be a corruption of public justice? The payment of special jurors, of county court and coroner's court jurors, answers that in the negative. Is it the question of cost? Comparatively speaking, the cost would not be great. And even if it were, is it not better that it should be borne than that bankrupts should be manufactured; that small businesses should be crushed, and that men who are least able to bear it should have imposed upon them a burden irksome and oppressive? There should be established a fixed scale of allowance to jurymen, both in civil and criminal cases. . . .

Qualification of Jurors.—Further, there should, I think, be an amendment of the law as to the qualification of jurors. . . . The first thing to do is to raise the rating qualification of common jurors in counties and towns. By this means the present unfair pressure upon small shopkeepers, and even artisans, would be removed, and the duty cast upon those better able to bear its weight. This reform was agreed to by the House of Commons in Committee upon the last Bill, and is clearly the first step in any reform. (L. T. 55, 430.) Then as to special jurors. . . . The reform here needed and supported by the House of Commons in the last Bill is to fix a rating or rental standard for the qualification of special jurors, and abolish entirely the extinct expressions "banker, merchant or esquire," which nowadays answer no useful purpose in this particular. (L. T. 55, 430.)

Composition of Juries.—Following hard upon those considerations is the question of the composition of juries. Contrary to the spirit of equity, and even to the intention and policy of written law, under-sheriffs, in not a few instances, draw too sharp a line of distinction between common and special jurors, the separation resulting in the entire absence of any of the latter from the jury box, except, of course, in special jury cases. Not only does this practice cause the lower class of jurymen to to be more frequently requisitioned, but it undoubtedly creates dissatisfaction among those whom the jury's decision affects, and, perhaps more often than one would imagine, denies justice to the parties. . . . No man who has a really important piece of involved litigation on hand would agree to the submission of it to a common jury—a fact instanced and attested by the great increase in the number of special-jury cases in recent years—but, nevertheless, to these men alone is often given the determination of the liberty or life of a prisoner. How, then, is a cure to be effected? By so altering the law that it shall be the duty of summoning officers to call common and special jurors in like numbers, and constitute a jury from among them in fixed and defined proportions. . . . To sum up, the reforms which it is suggested are pressing in our jury system are:—(1) In the method of summoning jurors, with a view to preventing a wastage of time; (2) in the accommodation for jurymen-in-waiting; (3) the payment of common jurors; (4) the raising of the qualification; and (5) in the composition of juries.

Mr. W. H. Foyster (Manchester), Mr. Barry, Mr. J. G. Beale and others took part in the discussion which followed.

The following paper, by Mr. René J. Tabourdin (London) was taken as read:—

COUNTY BOROUGH EXTENSION AND COUNTY COMPENSATIONS.

The creation of county councils and county boroughs under the provisions of the Local Government Act, 1888, has raised the question whether, on a financial adjustment under sections 32 and 62 of that Act, compensation is payable by the borough to the county for loss of rateable area, either on the creation or extension of a county borough. By section 31 of the Act of 1888 each of the boroughs named in the third schedule to the Act was created an administrative county of itself, while by section 54 of the Act power is given to the Local Government Board to constitute any borough having a population of not less than 50,000 into a county borough. [Mr. Tahourdin then dealt with the financial relations between the Exchequer and the county councils under sections 20 to 27 of the Act of 1888, and continued:] The mode of adjustment of financial relations between counties and county boroughs and the machinery for carrying it into effect are provided for and regulated by sections 32, 61, and 62 of the Act, section 62 being included in Part III. of the Act. By section 32 it is provided that an equitable adjustment

respecting the distribution of the proceeds of the local taxation licences and probate duty grant, and respecting all other financial relations, if any, between each county and each county borough specified in the third schedule to the Act, shall be made by agreement, within twelve calendar months after the appointed day, between the councils of each county and each borough, and, in default of any such agreement, by the commissioners appointed under the Act; and that such adjustment shall provide, in the case of any expenses which may in future be incurred by the county wholly or partly on behalf of the borough, for the liability of such borough to contribute, and that, save as is provided by the Act, any existing liability to contribute to or incur expense shall, after the appointed day, cease, and an equitable provision shall be made for such cessation in the adjustment. Sub-section (3) of section 32 provides that in such adjustment regard shall be had to the existing property, debts, and liabilities (if any) connected with the financial relations of the county and borough, and to the consideration that the county is not to be placed in any worse financial position by reason of the boroughs therein being constituted county boroughs, and that a county borough is not to be placed in a worse financial position than it would have been if it had remained part of the county, and had shared in the division of the sums received by a county in respect of the licence duties and probate duty grant as provided by the Act; and to the benefit of the value of the services which the borough receives in return for existing contributions, if any, and to all the circumstances of each case which it appears equitable to consider. By sub-section (5) of section 32 the provisions of Part III. of the Act with respect to the adjustment of property, income, debts, liabilities, and expenses, and to borrowing for the purpose are made applicable, as if the commissioners were the arbitrator in that part mentioned. By section 61 in Part III. the commissioners were appointed, and their powers were rendered absolute and without appeal, and their powers, unless continued by Parliament, were to cease on the last day of December, 1890. In order to lead up to and explain the decisions that have been given on the question whether, in dealing with financial adjustment, compensation should be allowed for loss of rateable area, it is necessary to refer shortly to the provisions of Part III. of the Act, as those decisions were given after the expiration of the commissioners' powers and in connection with districts dealt with under Part III. By section 54 of the Act power is given to the Local Government Board, by Provisional Order, to alter the boundary of any county or borough, to constitute any borough having a population of not less than 50,000 a county borough, and to alter the area of any area of local government within a county. By section 57 power is given to county councils to convert a rural district, or any part thereof, into an urban district, subject to confirmation by the Local Government Board. By section 62 of the Act it is provided that (1) any councils and other authorities affected by the Act or any scheme, order, or other thing made or done in pursuance of the Act, may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, so far as affected by the Act or such scheme, order, or thing, of the parties to the agreement, and the agreement and any other agreement authorized by the Act to be made for the purpose of the adjustment of any property, debts, liabilities, or financial relations, may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of property, debts, duties, and liabilities so transferred or retained, or of such joint user, and in respect of the salary, remuneration, or compensation payable to any officer or person, and that either by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the commissioners under the Act or the Local Government Board; (2) in default of an agreement as to any matter requiring adjustment for the purpose of the Act, or any matter which, in case of difference, is to be referred to arbitration, then, if no other mode of making such adjustment or determining such difference is provided by the Act, such adjustment or difference may be made or determined by an arbitrator appointed by the parties, or in case of difference as to the appointment, appointed by the Local Government Board. The remaining sub-sections of this section deal with the powers and proceedings of the arbitrator, the payment of any sum required to be paid for the purpose of adjustment, and borrowing by councils for the purpose of paying such sums, and do not directly affect the question under consideration. [Mr. Tabourdin then proceeded to consider the proceedings of the Commissioners with regard to the boroughs created county boroughs by, and specified in the Third Schedule to, the Act. He said that the Commissioners decided that]: (1) Payments should be made to the county by the county boroughs for the cessation of their liability to contribute towards certain county purposes in regard to which the county boroughs would cease to receive value. (2) In those cases (such as county bridges and main roads) in which there would also be a cessation of liability on the part of the county councils to incur expense in the county boroughs, a balance should be struck between the two liabilities and payment be made in respect of the excess by which one liability exceeded the other. It appears therefore that while on the one hand the Commissioners did not consider that the excess of contributions over expenses represented a clear profit to the county for which compensation should be paid, on the other hand their view clearly was that the services rendered by the counties to the boroughs were a full equivalent for the contributions made out of the borough rates for these purposes. In deciding on the question of quantum, the Commissioners decided that, in the case of county bridges, when the annual cost of maintaining the bridges in the borough was less than the borough's contribution towards the cost of maintaining all the county bridges in the county, the difference between those two sums was a liability of the borough, for the cessation of which equitable provision must be made; and they determined that the borough must pay to the county thirty years' purchase of this liability. On the other hand, if the annual cost of maintaining the bridges in the borough exceeded the borough contributions, the borough was to receive thirty years' purchase of the difference from the county. As regards main roads, as, prior to the appointed day, the borough contributed to one-fourth of the total expenditure of the county and the county only contributed one-fourth of the borough's expenditure, thirty years' purchase of the difference between these two contributions was fixed as the amount to be paid by the county to the borough or by the borough to the county as the case might be. As to the salaries of county officers and other county expenses to which the boroughs ceased to contribute, a sum equal to fifteen years' purchase was fixed as the amount to be paid by the boroughs in redemption of this liability. The decision of the Commissioners being final and without appeal as regards the boroughs constituted county boroughs by the Act of 1888 and specified in the Schedule thereto, those boroughs, though many of them were dissatisfied with it both on the question of principle and as regards the measure of compensation, had no means of testing the decision. The decisions of the Commissioners in dealing with the boroughs created county boroughs by the Act of 1888 had relation to specific items of expenditure and contribution, and did not take into account the general financial position relative to the contributions by boroughs on the one hand, and expenditure for the benefit of the boroughs on the other hand. When a borough becomes a county borough it becomes an administrative county in itself, and, subject to the adjustments provided for by the Act, it becomes financially and administratively independent of the county in which it is situate. The control, maintenance and repair and improvement of all main roads and bridges within the borough become vested in the council of the borough, and the right to collect the local taxation licences and to receive the probate duty grant becomes vested in that body, while any existing liability to contribute or to incur expense in reference to county matters ceases, subject to the provisions in the Act as to adjustment. In many cases the amount that a borough contributes to county purposes exceeds the amount actually expended by the county for the immediate benefit of the borough, and it was contended before the Commissioners, in dealing with the specific cases under the Act of 1888, that the counties were entitled to have provision made in respect of the cessation of the liability of the boroughs to contribute, based upon the existing liability of the boroughs. In other words, that the counties were entitled to compensation for loss of rateable area. As will have been seen from what has been previously stated, the Commissioners adopted the principle contended for by the counties, and decided that payments must be made by the county boroughs to the counties for the cessation of the liability to contribute towards certain county purposes in regard to which the county boroughs would cease to receive value. This decision being without appeal, the boroughs affected had to pay sums to which the House of Lords has subsequently decided they were not liable. In cases dealt with under sections 54 and 57 of the Act the adjustment takes place under the provisions of section 62, under which, in default of agreement between the councils and other authorities affected, any matter requiring adjustment is to be settled by arbitration; but, as before stated, there is no provision in this section that the decision of the arbitrator shall be final and without appeal. The first case under Section 54 was the Bucks and Herts case. This was a case of the alteration of a county boundary between Buckinghamshire and Hertfordshire, in which the arbitrator, following the principle adopted by the Commissioners, allowed compensation for loss of rateable area to Buckinghamshire, part of whose area was taken, and, on a special case stated for the opinion of the Court, the Court of Queen's Bench upheld the decision. The contention in this case was that the county council of Bucks made a profit out of the area administered by them for the loss of which they were entitled to compensation, and Mr. Justice Wills, in his judgment, speaks of the transferred area as having been a "valuable asset to Bucks." The next case was the Caterham and Godstone case arising under section 57, on an order, made by the county council and confirmed by the Local Government Board, by which part of the rural district was converted into an urban district. The rural district council in this case claimed compensation for loss of rateable area. As in the Bucks and Herts case the arbitrator followed the decision of the Commissioners and allowed the claim, and on a special case stated the Court of King's Bench upheld the award and the Court of Appeal confirmed the decision. On appeal to the House of Lords, however, this decision was reversed, and it was held "that the loss of this contribution was not a matter to be adjusted between the rural district and the new urban district under Section 62 of the Local Government Act, 1888. That section does not give compensation for loss of profit. The word 'income' in section 62 means existing income, and does not include income which may afterwards be derived from making rates. The decision of the Court of Appeal reversed and *in re* the Bucks and Herts county councils was overruled on the above point." . . . The next and most important case, as regards county boroughs, is that of the West Hartlepool Corporation *v.* the County Council of Durham (1907). This was a case of a borough being constituted a county borough under section 54 of the Act. The arbitrator appointed under

section 62, in dealing with the adjustment between the newly-constituted county borough and the county, had followed the principle adopted by the Commissioners, and had awarded compensation for loss of a contributing area. His decision, on a special case stated, had been upheld by the King's Bench Division and also by the Court of Appeal. On appeal to the House of Lords, however, that decision was reversed, and the reasoning in the Caterham and Godstone case was adopted. . . . . This, then, is the settled law on the question of the right of county and rural district councils to compensation for loss of rateable area on the creation or extension of a county borough or urban district. It will be seen from the judgments of the noble lords that they went further than a mere interpretation of the Act, and practically also pronounced an opinion on the equity of the claim, distinctly adverse to the contention of the county councils and the rural district councils. In the session of 1908 three large county boroughs applied by private Bills to Parliament for extension of their respective boundaries. These were Manchester, Blackburn, and Burnley. Each of the Bills as introduced into Parliament contained the usual clause providing for the adjustment of financial relations with the County Council of Lancashire in accordance with sections 32 and 62 of the Local Government Act, 1888, and which clause would have been acted upon in accordance with the principles laid down by the House of Lords in the West Hartlepool case. All three Bills were opposed by the Lancashire County Council, who asked for an addition to the clause in the following terms :—"In any such adjustment provision shall be made for the payment by the corporation to the council or by the council to the corporation, as occasion shall require, of such compensation as shall be fair and reasonable for (*a*) any loss sustained by the County Council in respect of the excess of contributions over expenditure in the added area prior to the commencement of this Act; or (*b*) for any loss sustained by the corporation in respect of the excess of expenditure over contribution from and in the added area prior to the commencement of this Act." In the case of the Manchester Bill it was proposed to take in a considerable area, and there would have been a considerable loss of rateable value to the county. In the cases of Blackburn and Burnley the effect of the clause would, in this particular instance, have been slightly in favour of the boroughs; but, having regard to future extensions and to the general principle involved, both Blackburn and Burnley felt bound to resist the insertion of the clause in their respective Bills. The Manchester Bill was referred, in the House of Commons, to a Select Committee presided over by Colonel Seely, M.P., and, after hearing the arguments on both sides, that Committee unanimously decided to reject the amendment proposed by the county council. The Blackburn and Burnley Bills were both referred, in the House of Commons, to the Police and Sanitary Committee, a sort of permanent or Standing Committee which is reappointed every session to deal specially with Bills affecting local government, police, and sanitary matters. The title of this Committee has since been changed to the Local Legislation Committee. The Committee consists of nine members, four being appointed by the Committee of Selection and five by the House, with four as a quorum. The Chairman of this Committee in 1908 was Mr. Corrie Grant, M.P. The Blackburn Bill was the first to be considered in connection with the question of compensation, and the point was argued before a quorum of four members, when the Chairman announced that by a majority the Committee had decided not to insert the amendment asked for by the county council. The Bill had to be adjourned over the Easter recess, and, on the reassembling of the Committee, the Chairman announced that he had been in the meantime advised by the authorities of the House that, this Committee being in the nature of a public Committee, he, as Chairman, had no right to vote or give a casting vote, and that, that being so, there had in fact been a majority in favour of the amendment, and that therefore it must stand and be inserted in the Bill. When the Burnley Bill came to be dealt with by the same Committee an anomalous state of things occurred, for the Committee by a majority decided against the insertion of the amendment. Thus we have the same Committee giving conflicting decisions on the same point. The county council themselves saw the absurdity of the position, and did not oppose a motion, on consideration of the Blackburn Bill, to strike out the amendment, and thus allow of all three Bills being sent to the Lords in a uniform shape. Accordingly, the motion was agreed to, and all three Bills were sent to the Lords in the same form. In the Lords the county council again opposed on the same ground, and sought to obtain the same amendment. All three Bills were referred to the same Committee, and, after a prolonged argument by counsel on both sides, and hearing the evidence of Mr. H. E. Clare, the Clerk to the County Council of Lancashire, the Committee declared their assent to the inclusion of the clause asked for by the county council. All three corporations then deliberated together, and decided, in view of the magnitude of the principle involved, and of the decision of the Commons on the three Bills and the judgment of the House of Lords in the West Hartlepool case, to withdraw from their respective Bills all the provisions relating to extension of the boroughs, and thus leave matters for the time being *in statu quo*. Local authorities desiring extension of their districts are thus confronted with the following anomalous state of affairs: The House of Lords, in their judicial capacity, have declared that the Commissioners under the Act of 1888 were wrong in awarding compensation for loss of rateable area, and have not only decided thus as interpreting the Act, but by an *obiter dictum* have expressed the opinion that this is the equitable and reasonable construction of the Act. The House of Commons, in their legislative capacity, have endorsed the decision of the House of Lords sitting judicially, while the House of Lords, in their legislative capacity, have expressed an opinion adverse to the judicial decision of their own House. On the motion of Lord Belper in the House of Lords, it has been decided to appoint a Joint Committee of both Houses to inquire and report upon the question of financial adjustment between counties and county boroughs with a view to settling the matter by legislation. . . . The arguments put forward on behalf of the county boroughs against the principle of compensation may be summarised as follows :—(1) That the object of any creation or extension of an administrative authority is to enable that authority to rate its own district, and to expend the rates raised for the exclusive benefit of the district, and that such authorities are not created or extended unless a case is made out that it is justified by circumstances and is a suitable and proper arrangement to be made. (2) That the claim for compensation proceeds upon the hypothesis that the state of affairs as regards rating, existing at the moment of the creation or extension of a county borough, may be regarded as a standard, and is to be as far as possible stereotyped. But the unfairness of the existing rating is or may be a reason for setting up a new administrative unit or for transferring an area from one authority to another, and when an area is ripe to be detached from the county and added to the county borough, it is almost invariably thickly populated and the rateable value is thus heavy in proportion to the area. This means that the county receives more in the way of rates from this area than they spend upon it, and it is for this reason that the adjustments made, on the principle laid down by the Commissioners, have been in the majority of cases favourable to the county councils. (3) The practical result of adopting the contention of the county councils is to impose upon the inhabitants of the boroughs, as extended, a liability to contribute to the expenditure of the county council on its remaining area, in the control of which expenditure the inhabitants of the boroughs have no voice, and thus, in fact though not in form, to tax those inhabitants without their being represented. (4) The effect of granting compensation for loss of rateable value may be to induce a County Authority to curtail its expenditure on an area which is becoming ripe for addition to an adjoining borough, and thus lead to inefficient administration, since it will be readily seen that, if the compensation is to be measured by the excess of contributions over expenditure, the less the expenditure on the part of the County Authority the greater will be their claim to compensation. If the right to compensation were established it might thus become in fact a premium on maladministration. The position as regards the boroughs is, that if the decision of the Commissioners, both on the principle of compensation and as to quantum, should, as the result of the inquiry before the Joint Committee, be established as the basis on which the creation or extension of county boroughs is in future to be sanctioned, the boroughs will be faced with a demand for thirty years' purchase in the case of main roads and bridges, and for fifteen years' purchase in the case of officers' salaries and other county expenses towards which they cease to contribute. As matters stand at present the position, as left at the end of the contest in 1908, places the opposing parties on terms of almost absolute equality. The boroughs have on their side the intention of Parliament as expressed in the Local Government Act, 1888, and interpreted by the House of Lords in reasoned arguments enforcing the equity of their decision, and the decisions of two Committees of the House of Commons and probably of the majority of that House. The county councils on the other hand can cite in their favour the decision of the Commissioners under the Act of 1888 and the practice of all adjustments down to 1904 (all of which have since been declared by the decision of the House of Lords to be wrong in principle) and the decision of a fairly strong Committee of the House of Lords given after full and carefully prepared argument. . . . I venture to think that it would be a reasonable subject for the consideration of the Joint Committee, that a Road Board should be appointed for each county, in whom should be vested the control, maintenance, and improvement of all the main roads and county bridges in the county, and that the Board should consist of representatives from the county council and from all county and other borough councils and local authorities, the number of representatives from each authority to be regulated according to rateable value, or on some other basis which may be equitable. This arrangement would ensure the equitable distribution of the cost of the main roads and bridges among all the local authorities in each county, would do away with any question of compensation for loss of rateable value on the creation or extension of county boroughs, and would put the management of the roads and bridges into the hands of a single representative body instead of leaving it, as at present, in the hands of several bodies. It might, of course, be objected that this would be a return to the old highway authority, and that in large centres like Manchester and other large towns it would be difficult now to define which were the main roads, and in such centres a divided control of the roads would clash, as it would be necessary still to retain the control of all streets not being main roads in the hands of the borough council. The fact, however, that this very serious question has arisen between county councils and county boroughs requires that something should be done to avoid possible injustice on either side and to ensure the equal and equitable distribution of the local burdens, and it seems to me that the most ready way of accomplishing this is the establishment of a representative body such as that above suggested, with power to levy a general rate on some basis which shall ensure an equitable distribution of the burden.

Votes of Thanks.

The proceedings closed with votes of thanks to the Bristol Law

Society, the Lord Mayor, the readers of papers, and others who had assisted in the success of the meeting.

RECEPTION AND CONCERT.

A reception and madrigal concert was held in the evening, on the invitation of the Bristol Law Society, at the Victoria Rooms, the guests being received by the President of the Bristol Society and Mrs. C. E. Barry, and by the senior Vice-President and Mrs. H. G. Vassall.

EXCURSIONS, &C.

On Thursday there were three alternative excursions, the first to Chepstow and Tintern, the second to Wells and Glastonbury, and the third to Gloucester, and during that and the preceding days various manufactories and other places of interest were thrown open to the inspection of the members of the society. A number of libraries, clubs, golf links, and so on were also placed at their service.

Solicitors' Benevolent Association.

The annual meeting of this association was held on Wednesday at the University, Tyndall's Park, Bristol, Mr. JOHN C. WARREN (Nottingham) taking the chair.

The annual report of the board of directors stated that the association has now 4,092 members enrolled, of whom 1,273 are life and 2,819 annual subscribers. Seventy-two of the annual subscribers are in addition life members. The accounts included the gift of £1,000 from Mr. J. T. Christopher as residuary legatee of the late Mr. D. S. Christopher. This amount was duly invested, and a "Christopher Annuity" of £30 created; also legacies of £50 under the will of the late Mr. Robert George Abraham; £100 under the will of the late Mr. Edmund Kell Blyth; and £250 under the will of the late Mr. William Webber. During the year 245 grants were made from the funds, amounting to £6,022 6s. Of this sum 6 members and 44 members' families received £2,180, while 46 non-members and 149 non-members' families received £3,842 6s. The sum of £175 was also paid to annuitants from the income of the late Miss Ellen Reardon's bequest, £28 to the recipient of the "Hollams Annuity No. 1," £30 to the recipient of the "Hollams Annuity No. 2," £15 to the recipient of the "Hollams Annuity No. 3," £30 to the recipient of the "Victoria Jubilee Annuity (1887)," £36 16s. 8d. to the recipient of the "Henry Morten Cotton Annuity," £15 to the recipient of the "Christopher Annuity," and £15 to the recipients of the "Humfrys Annuities." The sum of £177 10s. was also paid to pensioners from the "Victoria Pension Fund," £143 to annuitants under the Kinderley Trust, and ten grants, amounting to £213, were made from the special relief Fund connected with the "Kinderley Trust." The total relief granted during the year therefore amounted to £6,915 12s. 8d. This, the largest sum hitherto given away during any one year, largely exceeded the reliable income from annual subscriptions and dividends.

On the motion of the Chairman the report was unanimously adopted.

Law Students' Social Union.

The first of this union's "house dinners" for the present season was held on Saturday, 24th September, at the union headquarters, the New Imperial Club, 3, York-street, St. James's-square. The chair was taken at 7.30 p.m. by Mr. C. F. King, and there were also present Messrs. Atteridge, Bowden, Chadwick, Harby, Hughes, Lawrence, Madden, Powys, Richards, Renshaw, and Somper. The next "house dinner" will be held on 15th October next.

Obituary.

Mr. Jason Smith.

A well-known figure at Lincoln's-inn has been removed by the death of Mr. Jason Smith, barrister-at-law, on the 24th ult., at the age of 75. He was the son of Mr. Jason Smith, of Reading, and was educated at St. John's College, Cambridge. He was a pupil of Mr. Surrage, a well-known conveyancer of his day, and was called to the Bar in 1862. He had, we believe, a large practice as an equity draftsman and conveyancer, and continued at work up to the commencement of the present Long Vacation. He was esteemed a thoroughly sound lawyer; good alike in Court work and in conveyancing. His genial disposition won him many friends at the Bar, and his cheery face (with the invariable eyeglass) and short, sturdy frame will be greatly missed.

Legal News.

Appointment.

Mr. CHARLES MONTAGUE LUSH, K.C., who has been appointed a Judge of the King's Bench Division, is the fourth son of the late Lord Justice Lush. He was educated at Westminster School and Trinity Hall, Cambridge, and took a first class in the Classical Tripos. He was called to the Bar in 1879, and joined the North-Eastern Circuit. He became a K.C. in 1902.

Changes in Partnerships.

Dissolutions.

DIGBY POWELL and HUGH DE FYLTON MACKIE, solicitors (Digby Powell & Mackie), Newport, Mon. Sept. 16. [*Gazette*, Sept. 23.

EDWIN HILL DEAN, JOHN GOWLING, and JOHN MORTON WORTHINGTON, solicitors (Dean, Gowling, & Worthington), Preston. Sept. 20. So far as the said Edwin Hill Dean is concerned; the said John Gowling and John Morton Worthington will carry on the said business at the same place as heretofore under the like style or firm of Dean, Gowling, & Worthington. [*Gazette*, Sept. 27.

General.

It is announced that Judge Gray, of the Supreme Court of the United States, has arrived in London.

Replying to a resolution of the Godalming Town Council concerning the suggested removal of the Surrey Assizes from Guildford, the Lord Chief Justice, says the *Times*, states that he is not aware of any such proposal, and that he will take care that no change is made without the authorities interested being consulted.

A report by a committee of the Kensington Borough Council states that great inconvenience would be occasioned by the transfer of the County of London Sessions to Newington, and that it is desirable that the Sessions House should be on the north side of the Thames. The committee considers, however, that a more central position than the Clerkenwell Sessions House should be selected, and that it is well worth the consideration of the London County Council as to whether both the Newington and Clerkenwell Sessions Houses should not be disposed of, and a new Sessions House erected on one of the sites of vacant land in Kingsway.

There is no alteration, says the *St. James's Gazette*, in the condition of the estate market this week. Sales under the hammer are more and more difficult to effect in consequence of the doubt as to the outcome of the land tax clauses. Not fifty per cent. of the property which should have come into the market at this period of the year is listed for sale. The only compensation to this disquietude is the successful conduct of sales of agricultural estates in all parts of the country. Within the past few weeks lands have changed ownership to the extent of hundreds of thousands of pounds, and there are reports that other owners of large estates intend to put their possessions on the market. In a measure these dispersions of estates are not financially unsatisfactory transactions, as it is found that tenants are generally prepared to pay a reasonable price to secure their holdings. The mansions, however, which give distinction to the property very often hang fire.

Accompanying a beautiful casket inlaid with pearl, containing the heart of her husband, Count Julian de Ovies, former Chilian Consul at Pittsburg, Pennsylvania, Countess de Ovies will, says the American journal *Case and Comment*, soon journey to Madrid to deposit the heart as her sovereign proof in claim of the Spanish estate of her dead husband. The gruesome ritual is in accordance with the law of Spain, which provides that the heart of any member of the royal family dying abroad shall be preserved after identification by the Government officials of the country wherein the death occurred, the physicians attending, and the Spanish Consul in the country, and shall be forwarded to Madrid as proof of the death of the subject. When delivered in Madrid the casket will be opened with impressive ceremonies in the presence of Court dignitaries, and the widow, with her attorneys, will make formal demand to the Crown for the estate.

The Association of Municipal Corporations will, says the *Times*, hold its autumn general meeting on the 7th of October. The question of local taxation will be raised on a motion submitted by the Town Clerk of Wolverhampton, in the following terms:—"That, in view of the remarks made by the Chancellor of the Exchequer to the deputation from the Convention of the Royal Burghs of Scotland, on the 21st of June, 1910, and to the deputation from the Urban District Councils Association, on the 24th of June, 1910, it be an instruction to the Council to submit for the consideration and approval of this Association a scheme for submission to His Majesty's Government, containing, *inter alia*, definite proposals (*a*) for the broadening of the basis of taxation for local purposes, and (*b*) for the solution of the problems in relation to local and Imperial finance." Mr. Lloyd George's suggestion, when replying to the deputation from the Convention of the Royal Burghs of Scotland, in regard to the allocation of the Land Values Duties under the Finance Act, was that local authorities throughout the country, instead of going to the Chancellor of the Exchequer for further grants, as they had done for many years, should consider the whole problem from the point of view of broadening the basis of the taxation. The Town Clerk of Leeds has given notice to call attention to the case of the Attorney-General against the Corporation of West Ham, with reference to the question of bankers' overdrafts, which, he states, has caused serious uncertainty as to the relations between municipal corporations and their bankers. On the question of the licensing of drivers under the Motor Car Act, 1903, the Town Clerk of Rochdale urges an amendment of the provisions of the Act; and the Town Clerk of Wisbech will move a resolution concerning a recent legal decision that a stable is not a domestic building within the definition of the model bye-laws.

Mr. Justice Eve returned from Canada on Saturday last.

It is announced that, in accordance with the recommendations of the Royal Commission on the Selection of Justices of the Peace, the Chancellor of the Duchy of Lancaster has appointed an advisory committee to advise him on the following subjects:—1. The number of justices taking an active share in the discharge of magisterial duty in each petty sessional division, and the number of justices required for the due discharge of such duties. 2. The necessity, if it exists, for appointing additional justices. 3. The desirability of calling upon justices in certain cases to resign. The Lord Lieutenant will be free to consult his four colleagues on any other matters relating to the magistracy upon which he may desire to take their advice from time to time, and he will also receive suggestions from them, and transmit these suggestions to the Chancellor of the Duchy. Full power is reserved to the Chancellor of the Duchy to control the practice and procedure of the committee. Recommendations to the Chancellor of the Duchy for appointment as county justices of the peace will continue to be made by the Lord Lieutenant, and in future, adopting the course recommended by the Royal Commission, the Chancellor of the Duchy and the Lord Lieutenant will refuse to receive any unasked-for recommendations from members of Parliament or Parliamentary candidates, or from political agents or representatives of political associations.

Winding-up Notices.

London Gazette.—FRIDAY, Sept. 23.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

H. VICTOR & Co, LTD—Creditors are required, on or before Oct 7, to send their names and addresses, and the particulars of their debts or claims, to John Douglas Stewart Bogle, 3, Gt St Helens, liquidator

J. W. DRAPER, LTD—Petn for winding up, presented July 27, directed to be heard on Oct 18. Rehder & Higgs, Mincing la, solors for petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 17

NEW LONDON AND AMSTERDAM BONBO TOBACCO Co, LTD—Creditors are required, on or before Nov 4, to send their names and addresses, and the particulars of their debts or claims, to Frederick Dace Lyell, 54, Old Broad st. Stephenson & Co, Lombard st, solors for liquidator

OPERATIONS SYNDICATE, LTD—Creditors are required, on or before Oct 24, to send their names and addresses, and particulars of their debts or claims, to W. Gerald Orriss, 5, Moorgate st. Jenkins & Co, Chapel pl, Poultry, solors for liquidator

PARZ SYNDICATE, LTD—Creditors are required, on or before Oct 31, to send their names and addresses, and particulars of their debts or claims, to Edward Wells, 66, Coleman st. Ingle & Co, Capel House, solors to liquidator

London Gazette.—TUESDAY, Sept. 27.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BIST & SIMPSON, LTD—Creditors are required, on or before Oct 28, to send their names and addresses, and the particulars of their debts or claims, to Alfred Griffith Wilde, Bank of England chmbrs, Manchester. Hockin & Co, Manchester, solors to liquidator

NEWPORT ENAMELLED SLATE Co, LTD—Creditors are required, on or before Oct 17, to send their names and addresses, and the particulars of their debts or claims, to Rupert Frederick William Fircham, 3, Warwick ct, Holborn. Rubinstein & Co, Raymond bldgs, Gray's inn solors for liquidator

RUBBER PROMOTIONS, LTD—Petn for winding up, presented Aug 25, directed to be heard on Oct 18. Trumpler, Ironmonger la. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 17

SEVERN HOUSE, LTD—Creditors are required, on or before Oct 21, to send in their names and addresses, with particulars of their debts or claims, to John Walter Scarlett, 5, Cecil sq, Margate, liquidator

SHIP "WISCOMBE PARK" Co, LTD—Creditors are required, on or before Nov 7, to send their names and addresses, and the particulars of their debts or claims, to Frank Windram, 12, Drury la, Liverpool. Weightman & Co, Liverpool, solors to liquidator

TELEWRITER SYNDICATE, LTD—Creditors are required, on or before Nov 10, to send their names and addresses, and the particulars of their debts or claims, to John Craggs, 3, London wall bldgs, liquidator

WILFORD MANUFACTURING Co, LTD—Creditors are required, on or before Oct 31, to send in their names and addresses, and the particulars of their debts or claims, to Frank Beattie, 78, Meadow st, Moss Side, Manchester, liquidator

YENISEI COPPER Co, LIMITED—Petn for winding up, presented Sept 23, directed to be heard Oct 18. Swepstone & Stone, Great St. Helen's, solors for the petners. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 17.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, Sept. 23.

PURE CHEMICAL AND SPICE Co, LTD.
SUTHERLAND REEFS PROPRIETARY GOLD MINES, LTD.
LION BREWERY (PORTSMOUTH), LTD.
CYMRAEG SUPPLY Co, LTD.
BRUNSWICK WARD LIBERAL CLUB, LTD.
DALBY-WELCH & Co, LTD.
MCGREGOR & BLADON, LTD.
ELEJUSTOR, LTD.
A. T. SIMS, LTD.
1902 SYNDICATE, LTD.
ELLIS, LTD.

London Gazette.—TUESDAY, Sept. 27.

WILFORD MANUFACTURING Co, LTD.
OIL SYNDICATE OF CANADA, LTD.
H. E. THORNE & SON, LTD.
SOLACE SHOE Co, LTD.
SCHOFIELDS, LTD.
SULPHATE OF AMMONIA Co, LTD.
AUSTRIAN VACUUM CLEANER Co, LTD.
GODSON & DOBSON, LTD.
PLATE GLASS INSURANCE CO OF THE CITY OF LONDON, LTD.
MIDLAND CORN AND AGRICULTURAL TRADES ASSOCIATION, LTD.
GARSTON STEAMSHIP Co, LTD.

The Property Mart.

Forthcoming Auction Sales.

Oct. 5.—Messrs. EDWIN FOX, BOUSFIELD, BURNETTS, & BADDELEY, at the Mart, at 2: Freehold Properties (see advertisement, back page, Sept. 17 and 24).

Oct. 6.—Messrs. STIMSON & SONS, at the Mart, at 2: Freehold Ground-Rents (see advertisement, back page, Sept. 24).

Oct. 6.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, at 2: Reversions, Rent Charges, &c. (see advertisement, back page, this week).

Oct. 12.—Messrs. DOUGLAS YOUNG & Co., at the Mart, at 2: Houses, &c. (see advertisement, back page, this week).

Bankruptcy Notices.

London Gazette.—FRIDAY, Sept. 23.

RECEIVING ORDERS.

ALLENDER, ANNIE, West Didsbury Manchester Pet Aug 19 Ord Sept 20

ASTBURY, MAY, Manchester, Trade Artist Manchester Pet June 30 Ord Sept 20

BAYNES, RICHARD, Barrow in Furness, Coal Dealer Barrow in Furness Pet Sept 21 Ord Sept 21

BILHAM, JOHN, Guildford, Builder High Court Pet Aug 3 Ord Sept 19

BLOOMFIELD, CHARLES, Lowestoft, Smackowner Great Yarmouth Pet Sept 21 Ord Sept 21

BOSWELL, CHARLES GOODACRE, Cheltenham, Horse Dealer Cheltenham Pet Sept 17 Ord Sept 17

BOYLE, CHARLES, Abingdon villas, Kensington High Court Pet July 2 Ord Sept 19

BURTON, ANN, Preston, Licensed Victualler Preston Pet Sept 17 Ord Sept 17

CLARKE, FREDERICK, Barking, Essex, Stationer Chelmsford Pet Aug 23 Ord Sept 21

COATES, GEORGE, Armley, Painter Leeds Pet Sept 19 Ord Sept 19

CORLETT, CATHERINE ANN, Stockton on Tees, Draper Stockton on Tees Pet Sept 20 Ord Sept 20

DARRELL, J F, Framlingham Ipswich Pet Aug 2 Old Sept 20

DAVIES, WILLIAM, Penrhiwceibr, Glam, Grocer Aberdare Pet Sept 19 Ord Sept 19

DAVIS, MARY CHARLOTTE, Piddletrenthide, Dorset Dorchester Pet Sept 19 Ord Sept 19

DES CHAMPS, EUGENE BOUSQUET, Arundel gdns, Bayswater High Court Pet May 24 Ord Sept 19

DUCIE, WILLIAM HUMPHREY, Monton, Eccles, Lancs, Clerk Salford Pet Sept 19 Ord Sept 19

EDWARDS, THOMAS, Hartlebury, Worcester Kidderminster Pet Sept 20 Ord Sept 20

EVANS, WILLIAM ATKINSON, Warrington, Fruiterer Warrington Pet Sept 20 Ord Sept 20

FOULDS, ARTHUR, Barle Syke, nr Burnley, Coal Hawker Burnley Pet Sept 17 Ord Sept 17

FOXALL, ELEANOR, Bridgnorth, Salop, Baker Shrewsbury Pet Sept 19 Ord Sept 19

FRANCIS, MARY ELLEN, Hertford, Coachbuilder Hertford Pet Sept 19 Ord Sept 19

GREEN, WALTER, jun, Ecclesfield, York, Grocer Sheffield Pet Sept 21 Ord Sept 21

HETHERINGTON, JOHN ROBERT, Middleton in Teesdale, Durham, Monumental Mason Stockton on Tees Pet Sept 19 Ord Sept 19

HINDLE, JOHN, Bradford, Fish Dealer Bradford Pet Sept 20 Ord Sept 20

HOLWELL, GEORGE LUSCOMBE, Broadhempston, Devon, Wheelwright Exeter Pet Sept 19 Ord Sept 19

HOWARD, PHILIP, Newport, Mon, Engineer Newport, Mon Pet Aug 30 Ord Sept 20

JONES, WILLIAM, Aberaman, Aberdare, Fruiterer Aberdare Pet Sept 19 Ord Sept 19

KING, HARE, Beacontree Heath, nr Dagenham, Essex, Forage Dealer Chelmsford Ord Sept 19

MALLETT, THOMAS, Cardiff, School Attendance Officer Cardiff Pet Sept 20 Ord Sept 20

MIDDLEMISS, ANDREW, Gateshead, Licensed Victualler Newcastle on Tyne Pet Sept 20 Ord Sept 20

MILLICAN, FRANCES, Liverpool, Tobacco Dealer Liverpool Pet Sept 5 Ord Sept 20

MORRIS, PERCY DOUGLAS, Princes av, Finchley, Planter Barnet Pet July 7 Ord Sept 22

NAYLOR, SAMUEL SMITH, Bradford, Auctioneer Bradford Pet Sept 19 Ord Sept 19

OWEN, OWEN REES, Holyhead, Journeyman Stonemason Bangor Pet Sept 19 Ord Sept 19

RANDALL, CHRISTOPHER, Hemsworth, York, Bootmaker Wakefield Pet Sept 20 Ord Sept 20

RILEY, JOHN, Liverpool, Fruit Merchant Liverpool Pet Sept 7 Ord Sept 20

RUSSELL, WILLIAM PERCY, Withernsea, York, Book-keeper Kingston upon Hull Pet Sept 19 Ord Sept 19

RUTTER, HENRY, Sheffield, Carting Contractor Sheffield Pet Sept 21 Ord Sept 21

SANDERS, WILLIAM ERNEST, Sheerness, Kent, Licensed Victualler Rochester Pet Sept 19 Ord Sept 19

SMITH, WILLIAM, Southend on Sea Chelmsford Pet Aug 20 Ord Sept 21

STALKER, JONATHAN, Windermere, Westmorland, Cab Proprietor Kendal Pet Sept 21 Ord Sept 21

THOMAS, ARNOLD ALFRED, Billingshurst, Sussex, Draper Brighton Pet Aug 29 Ord Sept 20

THROUP, AMY, Keighley, Yorks, Milliner Bradford Pet Sept 20 Ord Sept 20

TWEDDLE, JOHN, Alston, Cumberland, Plumber Newcastle on Tyne Pet Sept 8 Ord Sept 20

UNDERWOOD, WILLIAM JOHN, Gloucester, Painter Gloucester Pet Sept 20 Ord Sept 20

WARDEN, BERTRAM, and THOMAS WARDEN, Coventry, Coal Merchants Coventry Pet Sept 20 Ord Sept 20

WATERS, DAVID JOHN, Swansea, Butcher Swansea Pet Sept 21 Ord Sept 21

WEBB, RICHARD, Uxbridge, Boot Dealer Windsor Pet Sept 8 Ord Sept 20

WEBBER, WILLIAM HENRY, Ilfracombe, Baker Barnstaple Pet Sept 20 Ord Sept 20

WEEKS, JONAH, Cwm, Mon, Collier Tredegar Pet Sept 19 Ord Sept 19

WOODHOUSE, HENRY, Maidenhead, Licensed Victualler Windsor Pet Sept 6 Ord Sept 20

Amended Notice substituted for that published in the London Gazette of Sept 16:

EASTAUGH, HENRY JONATHAN, Lowestoft, Corn Merchant Great Yarmouth Pet Sept 2 Ord Sept 13

Amended Notice substituted for that published in the London Gazette of Sept 20:

LAW, EDWARD, Chorlton on Medlock, Manchester Salford Pet Aug 30 Ord Sept 16

FIRST MEETINGS.

ARCHER, WILLIAM, Brighton, Caterer Oct 5 at 11.30 Off Rec, 12a, Marlborough pl, Brighton

BARGE, FREDERICK JOHN KEMISH, Salisbury, Caterer Oct 4 at 2 Off Rec, City chmbrs, Catherine st, Salisbury

BARKWORTH, THOMAS, Longsight, Manchester, Joiner Oct 1 at 12 Off Rec, Byrom st, Manchester

BILHAM, JOHN, Guildford, Builder Oct 3 at 12 Bankruptcy bldgs, Carey st

BLAKEY, JOHN, Horden, Durham, Hairdresser Oct 4 at 10 The Three Tuns Hotel, Durham

BOYLE, CHARLES, Abingdon villas, Kensington Oct 3 at 1 Bankruptcy bldgs, Carey st
BUDD-BUDD, EDWARD JOHN, Brighton, Surgeon Oct 5 at 12 Off Rec, 12a, Marlborough pl, Brighton
BURTON, ANN, Preston, Licensed Victualler Oct 4 at 11 Off Rec, 13, Winckley st, Preston
COATES, GEORGE, Armley, Leeds, Painter Oct 3 at 11 Off Rec, 24, Bond st, Leeds
COOK, THOMAS DIXON, Torquay, Medical Practitioner Oct 4 at 11.30 Off Rec, 9, Bedford circus, Exeter
DAVIES, RICHARD, Pentre, Glam, Colliery Ostler Oct 3 at 11 Off Rec, St Catherine's chmbrs, St Catharine st, Pontypridd
DES CHAMPS, EUGENE BOUSQUET, Arundel gdns, Bayswater Oct 5 at 12 Bankruptcy bldgs, Carey st
DUCIE, WILLIAM HUMPHREY, Monton, Eccles, Lancs, Clerk Oct 1 at 11.30 Off Rec, Byrom st, Manchester
DUCKETT, MARGARET ALICE, Preston Oct 4 at 10.30 Off Rec, 13, Winckley st, Preston
EASTAUGH, HENRY JONATHAN, Lowestoft, Corn Merchant Oct 1 at 12.45 Off Rec, 8, King st, Norwich
FOXALL, ELEANOR, Bridgnorth, Salop, Baker Oct 1 at 2 Off Rec, 22, Swan hill, Shrewsbury
FRANCIS, MARY ELLEN, Hertford Oct 3 at 12 14, Bedford row
GAUSDEN, EMILY, Battle, Sussex, Butcher Oct 3 at 12.30 The George Hotel, Battle, Sussex
HACON, CHARLES WILLIAM, Great Yarmouth, Butcher Oct 1 at 12.30 Off Rec, 8, King st, Norwich
HIGGINS, ALEXANDER UNDERWOOD, Leigh on Sea, Builder Oct 5 at 3 Shirehall, Chelmsford
HINDLE, JOHN, Bradford, Fish Dealer Oct 3 at 11 Off Rec, 12, Duke st, Bradford
HODGKINSON, JOHN THOMAS, Bolton, Salt Dealer Oct 3 at 3 19, Exchange st, Bolton
HOLWELL, GEORGE LUSCOMBE, Broadhempston, Devon, Wheelwright Oct 4 at 11.30 Off Rec, 9, Bedford circus, Exeter
JOINER, THOMAS, Loudwater, Bucks, Shoeing Smith Oct 1 at 12 1, St Aldates, Oxford
KISBERG, ISAAC, Oxford st, Costume Manufacturer Oct 4 at 11 Bankruptcy bldgs, Carey st
LAW, EDWARD, Chorlton on Medlock, Manchester Oct 1 at 11 Off Rec, Byrom st, Manchester
NAYLOR, SAMUEL SMITH, Bradford, Auctioneer Oct 1 at 11 Off Rec, 12, Duke st, Bradford
PEAKE, MARIA, Erdington, Warwick Oct 3 at 12 Ruskin chmbrs, 191, Corporation st, Birmingham
PETHICK, ALBERT JOHN, Plymouth, Mason Oct 3 at 3.30 7, Buckland ter, Plymouth
PLATT, PHILIP Crewe, Chester, Costumier Oct 3 at 12 Off Rec, King st, Newcastle, Staffs
PRICE, EVAN, Llanvihangel, Ystern, Llewern, Mon, Farm Laoburer Oct 4 at 2.30 Off Rec, 144, Commercial st, Newport, Mon
PRICE, HUGH, Waen, Gwalchmai Anglesey, Carrier Oct 3 at 12 Crypt chmbrs, Eastgate row, Chester
PRUDEN, ALBERD, Luton, Bedford, House Decorator Oct 3 at 12 Off Rec, The Parade, Northampton
RANDALL, CHRISTOPHER, Hemsworth, York, Bootmaker Oct 5 at 11 Off Rec, 6, Bond ter, Wakefield
RICHARDS, HENRY, Taunton, Jobmaster Oct 5 at 3.15 10, Hammet st, Taunton
RICHARDS, JAMES, Colwyn Bay, Denbigh, Stationer Oct 3 at 12.15 Crypt chmbrs, Eastgate row, Chester
RUSSELL, WILLIAM PERCY, Withernsea, York, Bookkeeper Oct 1 at 11 Off Rec, York City Bank chmbrs, Lowgate, Hull
SANDERS, WILLIAM ERNEST, Sheerness, Kent, Licensed Victualler Oct 3 at 12.30 115, High st, Rochester
SIMPSON, HERBERT HARVEY, Southend on Sea Oct 5 at 2.30 Shirehall, Chelmsford
SMITH, HARRY, Birmingham, Photographer Oct 3 at 11.30 Ruskin chmbrs, 191, Corporation st, Birmingham
THOMAS, ARNOLD ALFRED, Billingshurst, Sussex, Draper Oct 4 at 12 Off Rec, Bankruptcy bldgs, Carey st
THROUP, AMY, Keighley, Yorks, Milliner Oct 3 at 12 Off Rec, 12, Duke st, Bradford
TRIGG, ARTHUR WHITE, Sittingbourne, Kent, Carman Oct 3 at 11.30 115, High st, Rochester
TWEDDLE, JOHN, Alston, Cumberland, Plumber Oct 1 at 10.30 Off Rec, 30, Mosley st, Newcastle on Tyne
WARDEN, BERTRAM, and THOMAS WARDEN, Coventry, Coal Merchants Oct 3 at 11 Off Rec, 8, High st, Coventry
WOODHOUSE, HENRY, Maidenhead, Licensed Victualler Oct 3 at 3 14, Bedford row

ADJUDICATIONS.

BARKWORTH, THOMAS, Manchester, Joiner Manchester Pet Sept 16 Ord Sept 19
BAYNES, RICHARD, Barrow in Furness, Coal Dealer Barrow in Furness Pet Sept 21 Ord Sept 21
BLOOMFIELD, CHARLES, Lowestoft, Smack Owner Great Yarmouth Pet Sept 21 Ord Sept 21
BOSWELL, CHARLES GOODACRE, Cheltenham, Horse Dealer Cheltenham Pet Sept 17 Ord Sept 17
BRIDGES, HARRY EDMUND, Chamberlayne Wood rd, Kensal Rise, Milk Purveyor High Court Pet Aug 16 Ord Sept 20
BRIDGELAND, GEORGE, Folkestone, Baker Canterbury Pet Aug 26 Ord Sept 19
BUDD-BUDD, EDWARD JOHN, Brighton, Surgeon Brighton Pet Aug 23 Ord Sept 21
BURTON, ANN, Preston, Licensed Victualler Preston Pet Sept 17 Ord Sept 17
COATES, GEORGE, Armley, Leeds, Painter Leeds Pet Sept 19 Ord Sept 19
CORLETT, CATHERINE ANN, Stockton on Tees, Draper Stockton on Tees Pet Sept 20 Ord Sept 20
CURTIS, SIDNEY, Bristol, Greengrocer Bristol Pet Sept 15 Ord Sept 19
DAVIES, WILLIAM, Penrhiwceibr, Glam, Grocer Aberdare Pet Sept 19 Ord Sept 19
DAVIS, MARY CHARLOTTE, Piddletrenthide, Dorset Dorchester Pet Sept 19 Ord Sept 19
DUCIE, WILLIAM HUMPHREY, Monton, Eccles, Lancs, Clerk Salford Pet Sept 19 Ord Sept 19
EASTAUGH, HENRY JONATHAN, Lowestoft, Corn Merchant Great Yarmouth Pet Sept 2 Ord Sept 19
EDWARDS, THOMAS, Hartlebury, Worcester Kidderminster Pet Sept 20 Ord Sept 20
EVANS, WILLIAM ATKINSON, Warrington, Fruiterer Warrington Pet Sept 20 Ord Sept 20
FOULDS, ARTHUR, Harle Syke, nr Burnley, Coal Hawker Burnley Pet Sept 17 Ord Sept 15
FOXALL, ELEANOR, Bridgnorth, Salop, Baker Shrewsbury Pet Sept 19 Ord Sept 19
FREEDMAN, LAZARUS, Brick ln, Shoreditch, Milliner High Court Pet Aug 3 Ord Sept 20
GREEN, WALTER, jun, Ecclesfield, York, Grocer Sheffield Pet Sept 21 Ord Sept 21
HETHERINGTON, JOHN ROBERT, Middleton in Teesdale, Durham, Monumental Mason Stockton on Tees Pet Sept 19 Ord Sept 19
HINDLE, JOHN, Bradford, Fish Dealer Bradford Pet Sept 20 Ord Sept 20
HUSSEY, JOHN HENRY, Cardiff, Hosier Cardiff Pet Aug 30 Ord Sept 19
JOINER, THOMAS, Loudwater, Buckingham, Shoeing Smith Aylesbury Pet Aug 22 Pet Sept 19
JONES, WILLIAM, Aberaman, Aberdare, Glam, Fruiterer Aberdare Pet Sept 19 Ord Sept 19
LAW, EDWARD, Manchester Salford Pet Aug 30 Ord Sept 20
LILLIE, BENJAMIN ANDREW, King's rd, Camden Town, Artist High Court Pet Aug 11 Ord Sept 20
MALLETT, THOMAS, Cardiff, School Attendance Officer Cardiff Pet Sept 20 Ord Sept 20
MATTHEWS, GEORGE, and JAMES MATTHEWS, Sunderland, Boot Merchants Sunderland Pet Aug 18 Ord Sept 17
MIDDLEMISS, ANDREW, Gateshead, Licensed Victualler Newcastle on Tyne Pet Sept 20 Ord Sept 20
NAYLOR, JAMES, Morecambe, Lancs, Coal Merchant High Court Pet July 29 Ord Sept 20
NAYLOR, SAMUEL SMITH, Bradford, Auctioneer Bradford Pet Sept 19 Ord Sept 19
OWEN, OWEN REES, Holyhead, Anglesey, Journeyman Stonemason Bangor Pet Sept 19 Ord Sept 19
PLATT, PHILIP, Crewe, Costumer Nantwich Pet Aug 23 Ord Sept 21
RANDALL, CHRISTOPHER, Hemsworth, York, Bootmaker Wakefield Pet Sept 20 Ord Sept 20
RICHARDS, HENRY, Taunton, Jobmaster Taunton Pet Sept 6 Ord Sept 20
RICHARDS, JAMES, Colwyn Bay, Denbigh, Stationer Bangor Pet Sept 16 Ord Sept 21
RUSS, THOMAS HENRY, Cardiff, Hosier Cardiff Pet Aug 30 Ord Sept 19
RUTTER, HENRY, Sheffield, Carting Contractor Sheffield Pet Sept 21 Ord Sept 21
RUSSELL, WILLIAM PERCY, Withernsea, York, Book-keeper Kingston upon Hull Pet Sept 19 Ord Sept 19
SANDERS, WILLIAM ERNEST, Sheerness, Kent, Licensed Victualler Rochester Pet Sept 19 Ord Sept 19
STALKER, JONATHAN, Windermere, Westmorland, Cab Proprietor Kendal Pet Sept 21 Ord Sept 21
STEPHENS, FRANCIS EZRA, Croydon, Monumental Mason Croydon Pet Sept 15 Ord Sept 19
TANSWELL, GEORGE HENRY, Weybridge, Surrey, Tailor Kingston, Surrey Pet July 25 Ord Sept 20
THROUP, AMY, Keighley, York, Milliner Bradford Pet Sept 20 Ord Sept 20
UNDERWOOD, WILLIAM JOHN, Gloucester, Painter Gloucester Pet Sept 20 Ord Sept 20
WARDEN, BERTRAM, and THOMAS WARDEN, Coventry, Coal Merchants Coventry Pet Sept 20 Ord Sept 20
WATERS, DAVID JOHN, Swansea, Butcher Swansea Pet Sept 21 Ord Sept 21
WEBBER, WILLIAM HENRY, Ilfracombe, Baker Barnstaple Pet Sept 20 Ord Sept 20
WEEKS, JONAH, Cwm, Mon, Collier Tredegar Pet Sept 19 Ord Sept 19
WILSON, HAROLD, Westbury on Trym, Bristol, Stationer Bristol Pet Sept 16 Ord Sept 20

London Gazette.—TUESDAY, Sept. 27.

RECEIVING ORDERS.

AUSTIN, JAMES, Bishop's rd, Paddington, Fruiterer High Court Pet Sept 26 Ord Sept 26
BARGE, FREDERICK JOHN KEMISH, Salisbury, Caterer Salisbury Pet Sept 8 Ord Sept 22
BIRKBECK, BENEDICT, Buckingham gate High Court Pet July 12 Ord Sept 5
BLIGH, EDWIN JAMES COLLINS, Ramsgate, Coach Builder Canterbury Pet Sept 24 Ord Sept 24
CORNISH, JOSEPH, Crowthorne, Berks, Bootmaker Reading Pet Sept 5 Ord Sept 23
COTTON, MOSES, Blakeney, Glos, Grocer Gloucester Pet Sept 23 Ord Sept 23
DRUMMOND, E, Blackpool, Fancy Goods Dealer Preston Pet Sept 9 Ord Sept 23
DUDLEY, WILLIAM PERCY, Bream, Gloucester, Clothier Newport, Mon Pet Sept 24 Ord Sept 24
DUNKLEY, GEORGE, Birmingham, Perambulator Manufacturer Birmingham Pet Sept 22 Ord Sept 22
DUXBURY, JOHN, Padiham, Lancs, Draper Burnley Pet Sept 16 Ord Sept 23
FORSYTH, JAMES, West Jesmond, Newcastle on Tyne, Clerk Newcastle on Tyne Pet Sept 24 Ord Sept 24
GARRATT, FRED, Stanley, nr Wakefield, Grocer Wakefield Pet Sept 22 Ord Sept 22
GARTON, MARK, Kingston upon Hull, Joiner Kingston upon Hull Pet Sept 23 Ord Sept 23
GILES, ROBERT FEATHERBY, High Holborn High Court Pet May 31 Ord Sept 21
GILL, GEORGE HERBERT, Blackburn, Fish Salesman Blackburn Pet Sept 22 Ord Sept 22
GREEN, GEORGE THOMAS, and GEORGE RICHARD SIMES, St Helen's pl High Court Pet July 19 Ord Sept 23
HAFT, HARRY, Leeds, Draper Leeds Pet Sept 24 Ord Sept 24
HAWORTH, RICHARD HENRY, Accrington, Grocer Blackburn Pet Sept 10 Ord Sept 21
HEWETSON, WALTER, Lawrence mans, Cheyne walk High Court Pet Aug 24 Ord Sept 23
HILL, GEORGE EDWIN, Uppingham, Rutland, Licensed Victualler Leicester Pet Sept 24 Ord Sept 24
HUGHES, FREDERIC, Arthur st East, Inventor High Court Pet Sept 23 Ord Sept 23
JONES, JAMES, Stapleton, Salop, Farmer Shrewsbury Pet Sept 24 Ord Sept 24
MCNULTY, ANN, Morecambe, Lancaster, Licensed Victualler Preston Pet Sept 23 Ord Sept 24
MOFFATT, WALTON, Hexham, Northumberland, Ironmonger Newcastle on Tyne Pet Sept 23 Ord Sept 23
PLOWMAN, SAMUEL JOHN, Great Yarmouth, Confectioner Great Yarmouth Pet Sept 20 Ord Sept 24
STAPLES, EDWIN GEORGE STATHAM, Fulham rd, Actor High Court Pet Sept 23 Ord Sept 23
SMITH, GEORGE EDWARD, Attercliffe, Sheffield, Restaurant Keeper Sheffield Pet Sept 24 Ord Sept 24
SNELLING, GEORGE CHARLES, Worksop, Notts, Painter Sheffield Pet Sept 24 Ord Sept 24
STEARY, HENRY, Milk st, Cheapside, Tailor High Court Pet Sept 22 Ord Sept 22
TASLAKIAN, MARTIN SAMUEL, Broad st pl, Shipping Merchant High Court Pet Aug 26 Ord Sept 23
THOMAS, WILLIAM JOHN REES, Kidwelly, Carmarthen, Painter Carmarthen Pet Sept 24 Ord Sept 24
TURNER, SAMUEL, Halifax, Bailiff Halifax Pet Sept 23 Ord Sept 23
WHALEY, JOSEPH, Chancery ln, Company Manager High Court Pet Sept 2 Ord Sept 22
WHITE, WILLIAM RUFUS, Helston, Cornwall, Boot Dealer Truro Pet Sept 22 Ord Sept 22

FIRST MEETINGS.

ASTBURY, MAY, Manchester, Trade Artist Oct 6 at 3 Off Rec, Byrom st, Manchester

BARER, LILIAN ANNE, Bristol, Fancy Goods Dealer Oct 5 at 11.30 Off Rec, 26, Baldwin st, Bristol
BARNES, AUBREY, High Wycombe, Joiner Oct 6 at 11 1, St Aldates, Oxford
BIRKBECK, BENEDICT, Buckingham gate Oct 5 at 1 Bankruptcy bldgs, Carey st
BLIGH, EDWIN JAMES COLLINS, Ramsgate, Coach Builder Oct 5 at 11.30 Off Rec, 68A, Castle st, Canterbury
BOSWELL, CHARLES GOODACRE, Cheltenham, Horse Dealer Oct 6 at 2.15 County Court bldgs, Cheltenham
BUGGS, WILLIAM, Lowestoft, Boat Owner Oct 5 at 12.30 Off Rec, 8, King st, Norwich
DAVIS, MARY CHARLOTTE, Piddletrenthide, Dorset Oct 6 at 2 Off Rec, City chmbrs, Catherine st, Salisbury
DAVIES, WILLIAM, Penrhiwceibr, Glam, Grocer Oct 7 at 11 Off Rec, St Catherine chmbrs, St Catherine st, Pontypridd
ECCLESTON, CAROLINE, Brierley Hill, Staffs, Grocer Oct 5 at 11 Off Rec, 1, Priory st, Dudley
EDWARDS, THOMAS, Hartlebury, Worcester Oct 5 at 2.15 Lion Hotel, Kidderminster
EVANS, WILLIAM ATKINSON, Warrington, Fruiterer Oct 5 at 2.30 Off Rec Byrom st, Manchester
FORSYTH, JAMES, West Jesmond, Newcastle on Tyne, Clerk Oct 5 at 3.30 Off Rec, 30, Mosley st, Newcastle on Tyne
GARRATT, FRED, Stanley, nr Wakefield, Grocer Oct 5 at 11.30 Off Rec, 6, Bond ter, Wakefield
GILES, ROBERT FEATHERBY, High Holborn Oct 7 at 11 Bankruptcy bldgs, Carey st
GREEN, GEORGE THOMAS, and GEORGE RICHARD SIMES, St Helen's pl Oct 7 at 1 Bankruptcy bldgs, Carey st
HEWETSON, WALTER, Lawrence mans, Ch-yne walk Oct 7 at 12 Bankruptcy bldgs, Carey st
HEY, ROBERT, Finningley, Nottingham, Coal Dealer Oct 5 at 12 Off Rec, Figtree ln, Sheffield
HILL, GEORGE EDWIN, Uppingham, Rutland, Licensed Victualler Oct 5 at 3 Off Rec, 1, Berridge st, Leicester
HOW, JOHN HERBERT, Pinner, Middlesex, Market Gardener Oct 5 at 12 14, Bedford row
HUGHES, FREDERIC, Arthur st East, Inventor Oct 6 at 11 Bankruptcy bldgs, Carey st
HUSSEY, JOHN HENRY, Cardiff, Hosier Oct 5 at 3 Off Rec, 117, St Mary st, Cardiff
JONES, WILLIAM, Aberaman, Aberdare, Fruiterer Oct 7 at 11.30 Off Rec, St Catherine chmbrs, St Catherine st, Pontypridd
KING, DAVID, Beacontree Heath, nr Dagenham, Essex, Forage Dealer Oct 10 at 12 14, Bedford row
MCNULTY, ANN, Morecambe, Licensed Victualler Oct 6 at 11 Off Rec, 13, Winckley st, Preston
MIDDLEMISS, ANDREW, Gateshead, Licensed Victualler Oct 5 at 3 Off Rec, 30, Mosley st, Newcastle on Tyne
MOFFATT, WALTON, Hexham, Ironmonger Oct 7 at 12 Off Rec, 30, Mosley st, Newcastle on Tyne
MOORIDGE, CHARLES, Bristol, Milliner Oct 5 at 11.45 Off Rec, 26, Baldwin st, Bristol
MOUNTFORD, ALONZO SIMS, and HORACE MOUNTFORD, Derby Painters Oct 5 at 12 Off Rec, 47, Full st, Derby
OWEN, OWEN REES, Holyhead, Journeyman Stonemason Oct 7 at 12.30 Crypt chmbrs, Eastgate row, Chester
PARRY, JANE, Dwygyfylchi, Carnarvon, Hotel Keeper Oct 7 at 12 Crypt chmbrs, Eastgate row, Chester
PEARCE, FREDERICK WILLIAM, Bradford on Avon, Bootmaker Oct 5 at 12.15 Off Rec, 26, Baldwin st, Bristol
PETTIT, HENRY, Earls Barton, Northampton, Oct 7 at 11.30 Off Rec, The Parade, Northampton
RIGG, JAMES, Burnley, Nurseryman Oct 6 at 10.30 Off Rec, 13, Winckley st, Preston
STEARN, HENRY, Milk st, Cheapside, Tailor Oct 5 at 12 Bankruptcy bldgs, Carey st
STAPLES, EDWIN GEORGE STATHAM, Fulham rd, Actor Oct 6 at 1 Bankruptcy bldgs, Carey st
TASLAKIAN, MARTIN SAMUEL, Broad st pl, Shipping Merchant Oct 5 at 1 Bankruptcy bldgs, Carey st
TURNER, SAMUEL, Halifax, Builder Oct 6 at 10.45 County Court, Prescott st, Halifax
UNDERWOOD, WILLIAM JOHN, Gloucester, Painter Oct 8 at 12 Off Rec, Station rd, Gloucester
VAUGHAN, WILLIAM, Blaengarw, Glam, Collier Oct 6 at 12.30 Off Rec, 117, St Mary st, Cardiff
VILE, JOHN, Aberbargoed, Mon, Colliery Proprietor Oct 5 at 11 Off Rec, 114, Commercial st, Newport, Mon
WEBBER, WILLIAM HENRY, Ilfracombe, Baker Oct 6 at 4 94, High st, Barnstaple
WHALEY, JOSEPH, Chancery ln, Company Manager Oct 6 at 12 Bankruptcy bldgs, Carey st
WILSON, HAROLD, Westbury on Trym, Stationer Oct 5 at 12 Off Rec, 26, Baldwin st, Bristol

ADJUDICATIONS.

AUSTIN, JAMES, Bishop's rd, Paddington, Fruiterer High Court Pet Sept 26 Ord Sept 26
BARGE, FREDERICK JOHN KEMISH, Salisbury, Caterer Salisbury Pet Sept 8 Ord Sept 23
BLIGH, EDWIN JAMES COLLINS, Ramsgate, Coach Builder Canterbury Pet Sept 24 Ord Sept 24
COOK, THOMAS DIXON, Glendon, Torquay, Medical Practitioner Exeter Pet July 25 Ord Sept 19
COTTON, MOSES, Blakeney, Glos, Grocer Gloucester Pet Sept 23 Ord Sept 23
DUDLEY, WILLIAM PERCY, Bream, Glos, Clothier Newport, Mon Pet Sept 24 Ord Sept 24
DUNKLEY, GEORGE, Birmingham, Perambulator Manufacturer Birmingham Pet Sept 22 Ord Sept 24
GARRATT, FRED, Stanley, nr Wakefield, Grocer Wakefield Pet Sept 22 Ord Sept 22
GARTON, MARK, Kingston upon Hull, Joiner Kingston upon Hull Pet Sept 23 Ord Sept 23
GILL GEORGE HERBERT, Blackburn, Fish Salesman Blackburn Pet Sept 22 Ord Sept 22
HAFT, HARRY, Leeds, Draper Leeds Pet Sept 24 Ord Sept 22
HAWORTH, RICHARD HENRY, Accrington, Grocer Blackburn Pet Sept 10 Ord Sept 23
HEY, ROBERT, Finningley, Nottingham, Coal Dealer Sheffield Pet Aug 26 Ord Sept 24
HILL, GEORGE EDWIN, Uppingham, Rutland, Licensed Victualler Leicester Pet Sept 24 Ord Sept 24
HOLWELL, GEORGE LUSCOMBE, Broadhempston, Devon, Wheelwright Exeter Pet Sept 19 Ord Sept 19
HOWARD, PHILIP, Newport, Mon, Engineer Newport, Mon Pet Aug 30 Ord Sept 23
HUGHES, FREDERIC, Arthur st East, Inventor High Court Pet Sept 23 Ord Sept 23
HUNTER, ROBERT GEORGE, Regent st High Court Pet July 19 Ord Sept 24
KENDALL, CHARLES WILLIAM, Great Grimsby, Cod Liver Oil Manufacturer Great Grimsby Pet Sept 7 Ord Sept 19
KING, DAVID, Beacontree Heath, nr Dagenham, Essex, Forage Dealer Chelmsford Ord Sept 23
LAMBIE, HUGH, Fenchurch, bldgs, Leather Merchant High Court Pet Aug 13 Ord Sept 23
MCNULTY, ANN, Morecambe, Licensed Victualler Preston Pet Sept 22 Ord Sept 22
MARSHALL, HENRY, Lillie rd, Fulham, Oil and Colourman High Court Pet Aug 16 Ord Sept 24
MILLICAN, FRANCES, Liverpool, Tobacco Dealer Liverpool Pet Sept 5 Ord Sept 23
MOFFATT, WALTON, Hexham, Ironmonger Newcastle on Tyne Pet Sept 23 Ord Sept 23
PEAKE, MARIA, Erdington, Warwick Birmingham Pet Sept 1 Ord Sept 22
PLOWMAN, SAMUEL JOHN, Gt Yarmouth, Confectioner Gt Yarmouth Pet Sept 20 Ord Sept 24
POTTER, ARTHUR JAMES, Thornton Heath, Surrey, Builder's Material Merchant Wandsworth Pet Sept 10 Ord Sept 22
SMITH, GEORGE EDWARD, Attercliffe, Sheffield, Restaurant Keeper Sheffield Pet Sept 24 Ord Sept 24
SNARE, GEORGE B, Forest ln, Stratford, Credit Draper High Court Pet Aug 29 Ord Sept 22
SNELLING, GEORGE CHARLES, Worksop, Nottingham, Painter Sheffield Pet Sept 23 Ord Sept 23
STAPLES, EDWIN GEORGE STATHAM, Fulham rd, Actor High Court Pet Sept 23 Ord Sept 23
THOMAS, WILLIAM JOHN REES, Kidwelly, Carmarthen, Painter Carmarthen Pet Sept 24 Ord Sept 24
TURNER, SAMUEL Halifax, Builder Halifax Pet Sept 23 Ord Sept 23
WEBB, RICHARD, Uxbridge, Boot Dealer Windsor Pet Sept 8 Ord Sept 23
WHITE, WILLIAM RUFUS, Helston, Cornwall, Boot Dealer Truro Pet Sept 22 Ord Sept 23

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